City of Dallas

Planning & Development Department

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

Board of Adjustment:
1500 Marilla Street, 5CN
Dallas Tx75201
(214) 948-4480

REQUIRED MATERIAL FOR FILING AN APPEAL TO THE BOARD OF ADJUSTMENT

- ❑ 1 Application form, filled out, signed, and notarized, describing the variance, special exception or Administrative appeal requested, and the reason(s) why the appeal should be granted. Do not modify, revise, or alter the application form. Do not write on the back of the form.

- ❑ 1 original City of Dallas Affidavit forms (one form per owner) signed and notarized (required only if the "owner of the property" and the "applicant" for the appeal are not the same. The "applicant" must be a person).

- ❑ 1 original Certified Warranty Deed for the subject property (obtain from the county-500 Elm St).

- ❑ 1 original "Tax Certificate" showing property taxes are paid (obtain from the county-500 Elm St).

- ❑ All appeals must include a copy of a certified subdivision plat (obtain the most recent from the county-500 Elm St).
- ❑ 1 original signed Lien Statement from City Hall, Rm. 2DS-1500 Marilla St, showing no city liens on the property.
- ❑ 1 copy of the site plan showing the subject property with the proposed improvements and all existing improvements that will remain on the premises.
- ❑ 1 copy of elevation drawings * provide elevations of the proposed items needing board approval (i.e. fence elevations, building elevations)
- ❑ 1 copy of the floor plan drawings* please consult with staff to confirm if floor plans are required

Parking Requirement Appeals – Submission Guidelines in addition to the general requirements

Appeals related to parking requirements, please include a parking analysis and/or traffic study with your application. The analysis should clearly detail the following:

- A list of all proposed uses
- The square footage for each use
- The required parking spaces for each use
- The number of parking spaces that will be provided

Important Notes:

- A technical report is required for all parking special exceptions and visibility triangle requests.
- A Traffic Study Review Fee will apply to all special exception requests.
- A technical report is only recommended (not required) for variance requests.

For questions about traffic study requirements, please contact:
David Nevarez – david.nevarez@dallas.gov

REQUIRED MATERIAL FOR FILING AN APPEAL TO THE BOARD OF ADJUSTMENT cont.

Landscaping and Tree Mitigation Appeals – Submission Requirements in addition to the general requirements

Appeals related to landscaping or tree mitigation, please ensure the following is included with your application:

- 1 copy of the alternate landscape or mitigation plan, clearly specifying the size and species of all existing and proposed landscaping.

Important:

- Please consult with the City Arborist before filing your appeal.
- Alternate landscape and mitigation plans must be reviewed and approved by the Chief Arborist prior to BDA submittal.

For questions or to initiate this review, contact:
Phil Erwin, Chief Arborist – philip.erwin@dallas.gov

❑ 1 copy of a site zoning map (Please outline your site in red ink & initial)
City of Dallas Zoning Map (dallascityhall.com)

❑ 1 copy of a site plat map (Please outline your site in red ink & initial)
Records library-Vault; 320 E Jefferson, Dallas, TX. 75203, Room 314 or Contact Tommy Bullard at tommy.bullard@dallas.gov

❑ "Posting of Notification Sign" acknowledgment

Administrative Appeals Submission Information

For information and instructions on submitting your appeal application, contact Diana Barkume using one of the following methods:

- Phone: 214-948-4364
- Email: diana.barkume@dallas.gov
- In Person: 1500 Marilla Street, 5CN *(appointment required)*

Submission Requirements:

- A consultation with Diana Barkume is required. Please reach out within 20 days of receiving your denial letter.
- All required materials must be submitted at the time of filing, including:
  - Denial notice
  - Items 1–6 from the application checklist
- All applicable fees must be paid at the time of submission

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APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

OFFICE USE ONLY
Case no. _____
Date _____

Data Relative to Subject Property:_____

Location address:_____Zoning District:_____

Lot No.: _____Block No.: ____Acreage: _____Census Tract:_____

Street Frontage (in Ft.): 1)_____ 2)_____3)_____4)_____(5)_____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): _____

Applicant: _____Telephone:_____

Mailing Address: _____Zip Code: _____

E-mail Address: _____

Represented by: _____Telephone: _____

Mailing Address: _____Zip Code: _____

E-mail Address:_____

Affirm that an appeal has been made for a ☐Variance or ☐Special Exception, of:

_____

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:

_____

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 _____
(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 ____ day of _____, 20_____

Notary Public in and for Dallas County, Texas_____

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INFORMATION ABOUT APPEALS TO THE BOARD OF ADJUSTMENT

The Board of Adjustment is a citizen board authorized by Chapter 51 and 51A of the Dallas City Code and appointed by the City Council to hear and take appropriate action on variances, special exceptions, and decisions concerning the Dallas Development Code. The Board is composed of 15 members and 6 alternates assigned to three separate panels of five members each. Four members must be present at each hearing for a quorum to exist, otherwise a hearing or a case must be canceled. A concurring vote of four is necessary to decide any matter authorized by State law.

Each Board panel normally conducts one public hearing a month at 1:00 p.m. in Dallas City Hall, 1500 Marilla Street. Written notice of the hearing will be sent to all owners of real property located within a 200-foot radius from the boundary of the area upon which the appeal is made, not less than 10 days before the hearing. On the morning of the hearing, staff will fully brief the Board about each appeal to be heard.

The Board Administrator will schedule each case and will notify the applicant by mail of the hearing date, time, and location. **Any questions regarding scheduling and/or status of pending cases should be directed to the Board Administrator, Dr. Kameka Miller-Hoskins at kameka.mhoskins@dallas.gov or by calling 214-948-4478.**

The applicant, or the applicant's representative, is encouraged to attend both the briefing and the hearing. The applicant has the burden of proof to establish the necessary facts to warrant favorable action by the Board. Evidence submitted to the Board at the public hearing will not be returned and becomes part of the city's permanent files. Therefore, it is advisable that you make copies of evidence before the hearing.

The Board of Adjustment is a quasi-judicial body and exparte communication with the members of the Board is prohibited. All communication, 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.

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JURISDICTION OF THE BOARD OF ADJUSTMENT

The Board has the following powers and duties:

- To hear and decide appeals of the decisions of administrative officials made in the enforcement of the zoning ordinance of the city (An applicant has 20 days from the date of the administrative official's decision to file an appeal to the Board of Adjustment).
- To interpret the intent of the zoning district map when uncertainty exists. Because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.
- To bring about the discontinuance of a nonconforming use under a plan whereby the owner's actual investment in the structure(s) prior to the time that the use became nonconforming can be amortized within a definite time period.
- To hear and decide requests for change of occupancy of a nonconforming use to another nonconforming use.
- To hear and decide requests for the enlargement of a nonconforming use.
- To hear and decide requests for reconstruction of a nonconforming structure on the land occupied by the structure when the reconstruction will not permanently prevent the return of the property to a conforming use and will not increase the nonconformity.
- To require the vacation and demolition of a nonconforming structure that is determined to be obsolete, dangerous, dilapidated, or substandard.
- To consider on its own motion, or upon the request of interested property owners, the operation or alteration of any use which is a nonconforming use because of noncompliance with the environmental performance standards set forth in the zoning ordinance and specify the conditions and standards with which it must comply for the continuance of the nonconforming use.
- To grant **variances** from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area ratio, height, minimum sidewalk, off-street parking or off-street loading, or landscape regulations that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the zoning ordinance would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done. The variance must be necessary to permit development of a specific parcel of land 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 districts with the same zoning classification. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person privilege in developing a parcel of land not permitted by the zoning ordinance to other parcels of the land in districts with the same classification. No case sets a precedent.
- To hear and decide **special exceptions** expressly provided for in the zoning ordinance. In general, the Board may grant a special exception when, in the opinion of the board, the special exception will not adversely affect neighboring property. The Board does not consider how the appeal may benefit the applicant. No case sets a precedent.

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BOARD OF ADJUSTMENT INTAKE PROCESS

INITIATING THE BOARD OF ADJUSTMENT PROCESS

A **consultation is required** before applying to the Board of Adjustment (BOA). During this consultation, staff will help determine whether Board action is the appropriate path for addressing your zoning issue.

If Board action is needed:

- You will be instructed to submit your application through the **DallasNow Portal** for a complete **prescreen review**.

Application Access:

- Application packets are available at the Planning & Development Department, located at: 1500 Marilla Street, Room 5CN, Dallas, TX 75201,
  or online at Board of Adjustment under forms and resources tab.

Important Submission Guidelines:

- Incomplete applications will not be accepted.
- All required documents and fees must be submitted together at the time of filing.
- Revisions or additions made after submission may delay or reschedule your hearing date.
- Consultations may be requested via email, in person or by phone via Microsoft teams meeting.

Need Assistance?

- Contact Board staff at **BOAprescreen@dallas.gov** or call **214-948-4364**.

REQUIRED NOTIFICATION YARD SIGNS FOR ALL APPEALS TO THE BOARD OF ADJUSTMENT

At the time of filing an appeal, a “Notice of Appeal” yard sign must be obtained. One sign is required for each 500 feet or less of street frontage, or for tracts without frontage, one sign for every five (5) acres or less. For example, a corner lot will require at least 2 signs, 1100 feet of total street frontage would require three signs, or a seven-acre tract would require two signs. The cost of each sign is $10.00. A maximum of five (5) signs is required.

The sign(s) shall be posted on the property within fourteen (14) days after an application is filed and may not be removed until the hearing ends. The sign(s) must be evenly spaced over the length of each street frontage at a prominent location adjacent to a public street and be easily visible from the street. Failure to properly post the sign(s) will result in either the postponement or denial of the appeal.

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FEES FOR ALL TYPES OF APPEALS

(EXCLUDING APPEALS TO THE SIGN ORDINANCE)

The filing fees are listed below. There is an additional $10.00 fee for each required notification yard sign, and a $15.00 technology fee for each application, and a minimum $100.00 fee for maps. No fee refund will be made after an appeal is advertised.

Type of Application	**Application Fee**
Single family or duplex variance	$600.00
Single family or duplex special exception	$600.00
Multifamily or nonresidential variance	$900.00 + $25 per acre or portion thereof
Multifamily or nonresidential special exception	$1,200 + $25 per acre or portion thereof
Landscaping or tree preservation special exception or variance	$1,200 + $50 per acre or portion thereof
Off-street parking space reduction special exception or variance	$900.00 + $100.00 per parking space requested
Compliance request for a nonconforming use	$1,000.00
All other non-sign appeals.	$900.00

The applicant shall pay a separate filing fee for each type of appeal requested. The maximum fee for all appeals on one building site heard at one public hearing is $10,000.00. Payment is to be made to the City of Dallas.

FEES FOR APPEALS TO THE SIGN ORDINANCE

The filing fees are listed below. There is an additional $10.00 fee for each required notification yard sign, and a $15.00 technology fee for each application, and a minimum $100.00 fee for maps. No fee refund will be made after an appeal is advertised.

TYPE OF APPLICATION	**APPLICATION FEE**
Sign special exception	$1,200.00
All other sign appeals	$900.00

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MATTERS INVOLVING NONCONFORMING SIGNS

SEC. 51A-7.703. BOARD OF ADJUSTMENT.

(c) When in its judgment the public convenience and welfare will be substantially served and appropriate use of the neighboring area will not be substantially and permanently injured, the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special exceptions to the regulations established in this article for non-conforming signs legally erected or maintained prior to April 30, 1973:

(1) Reserved.

(2) Permit a variance for detached non-premise signs of up to 20 percent of the setback, effective area, and height requirements of this article.

(3) Permit a variance for detached premise signs of up to 25 percent of the setback, effective area, and height requirements of this article.

(4) Authorize one additional detached sign on a premise in excess of the number permitted by this article.

(5) Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article.

(6) Permit the following special exceptions for movement control signs when from the evidence presented the board finds them to be necessary to give directions to a business:

(A) Authorize an identification message to be placed on the sign.

(B) Authorize an effective area of up to 4 square feet.

(C) Authorize a height of up to 2-1/2 feet.

(7) Authorize the remodeling, renovation, or alteration of a sign when some non-conforming aspect of the sign is thereby reduced and when the period of time allowed for the owner of the sign to recoup his investment is not thereby extended.

(8) The board of adjustment may also vary any or all other provisions of this article not specified above with respect to premise signs only when the board has made a specific finding from evidence presented that strict compliance will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article.

MATTERS INVOLVING NEW SIGNS

SEC. 51A-7.703. BOARD OF ADJUSTMENT.

(d) Except as provided in Section 51A-7.703(c) the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special exceptions to the regulations established in this article when the board has made a special finding from the evidence presented that strict compliance with the requirement of this article will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article:

(1) Permit a variance for detached premise signs of up to 10 percent of the setback, effective area, and height requirements of this article.

MATTERS INVOLVING NEW SIGNS cont.

(2) Authorize one additional detached premise sign on a premise in excess of the number permitted by this article.

(3) Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article.

(4) Authorize signs attached to a window or glass door in a business zoning district to exceed 15 percent of the area of that window or glass door or to be located within the upper two-thirds of that window or glass door if the board finds that the proposed signs do not eliminate visibility into, or out from, the premise.

(A) Permit the following special exceptions for movement control signs when from the evidence presented the board finds them to be necessary to give directions to a business:
(B) Authorize an identification message to be placed on the sign.
(C) Authorize an effective area of up to 4 square feet.
(D) Authorize a height of up to 2-1/2 feet.

Grant detached sign special exceptions per 51A-7.304(b)(3) for location and distance, and per 51A-7.304(b)(8) for support structure material.

REQUEST FOR FEE WAIVER

To request that the filing fee for your appeal be waived, it is necessary that you forward a letter by mail or e-mail to the Board Administrator, Dr. Kameka Miller-Hoskins, kameka.mhoskins@dallas.gov, stating that you would like your filing fee to be waived. The Administrator's address is 1500 Marilla St., 5CN, Dallas, Texas 75201. In the letter, include the address of the property, the amount of the fee you are requesting to be waived, and any supporting documentation substantiating why payment of the filing fee would result in a substantial financial hardship for the applicant. If the fee waiver is not granted, the full amount of the fee must be paid before an appeal can be processed. Otherwise, you may pay the entire fee, file your case, and request a fee reimbursement by following the same steps outlined above. **Requesting a fee reimbursement will allow your case to be processed as a reimbursement request and can be heard at the time of hearing, whereas requesting a fee waiver may delay the case filing because a fee waiver request has to be placed on the board's miscellaneous docket for predetermination. SEE SEC.51A-1.105(b)(6)**

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A VARIANCE OR SPECIAL EXCEPTION APPROVAL IS NOT A BUILDING PERMIT

If your appeal is granted you will need to apply for a building permit, or a certificate of occupancy required to construct or occupy the proposed work within 180 days after the date the appeal is granted. Note that the permit can be issued only within the limit of the approval (do not revise or deviate from any plan or specific condition imposed by the Board of Adjustment, otherwise a new appeal will be required).

Board-Related Phone Numbers:

Dr. Kameka Miller-Hoskins, Chief Planner/Board Administrator	214-948-4478
Jamie Miller, Senior Planner	214-948-4069
Bryant Thompson, Senior Planner	214-948-4502
Diana Barkume, SR Project Coordinator	214-948-4364
Sheila Hatchett, Planner II	214-670-6131
Mary Williams, Board Secretary	214-670-4127

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Posting of Notification Sign

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

Address: _____

Appeal Number: _____

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is $10.00.

Footage of <u>each</u> street frontage: _____

Number of acres: _____

Number of signs received: _____

_____ _____

Signature of applicant or person receiving signs Date

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AFFIDAVIT

Appeal number: _____

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

at: _____
(Address of property as stated on application)

Authorize: _____
(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: _____

_____ _____
Print name of property owner or registered agent Signature of property owner or registered agent

Date _____

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 _____day of _____, 20_____

_____
Notary Public for Dallas County, Texas

Commission expires on_____

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The board shall hold a public hearing on all applications in which a board authorized public hearing must comply with the following notification procedures:

- An applicant is responsible for obtaining the required number of notification signs and posting them on the property that is the subject of the application. The applicant shall post the required number of notification signs on the property within 14 days after an application is filed. Signs must be evenly spaced over the length of every street frontage, posted at a prominent location adjacent to a public street, and be easily visible from the street; for tracts without street frontage, signs must be evenly posted in prominent locations most visible to the public. The signs must remain posted until a final decision is made on the application. The board of adjustment shall determine if an applicant has complied with the notification sign posting requirements in this section. Otherwise, if the board of adjustment determines that the applicant has failed to comply with the provisions of this section, it shall take no action on the application other than to postpone the public hearing for at least four weeks or deny the applicant's request, with or without prejudice. If the hearing is postponed, the required notification signs must be posted within 24 hours after the case is postponed and comply with all other requirements of this section.

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

- The director shall send written notice of a public hearing to the applicant and all owners of real property located within 200 feet, including streets and alleys, from the boundary of the area upon which the request is made.

Letter- 51A-4.703(c)(2) Board of Adjustment Hearing Procedures

- The director shall give notice of the time and place of the public hearing in the official newspaper of the city at least 10 days before the hearing.

Dallas Newspaper-51A-4.703(c)(3) Board of Adjustment Hearing Procedures

For additional information regarding signs, please follow the links below:

SEC. 51A-1.106. NOTIFICATION SIGNS REQUIRED TO BE OBTAINED AND POSTED.

SEC. 51A-4.703. BOARD OF ADJUSTMENT HEARING PROCEDURES.