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CITY SECRETARY
DALLAS, TEXAS



City of Dallas
BOARD OF ADJUSTMENT (PANEL C)

Public Notice

231082

POSTED CITY SECRETARY
DALLAS, TX

December 11th, 2023, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES, and Videoconference

Video Conference Link: <https://bit.ly/bda1211-C>
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 the close of business Sunday, December 10th, 2023.** 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 cierre de oficina el Domingo, 10 de Diciembre, 2023.** Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

REVISED 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 –**
 - Approval of 2022-2023 BOA Annual Report
 - Approval of Panel C Minutes – November 13th, 2023
- 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]

UNCONTESTED CASE(S)

BDA223-108(DB)	2518 N. Garrett Avenue REQUEST: Application of Pedro Montoya represented by Jesse Castillo for (1) a variance to the off-street parking regulations.	1
BDA223-109(DB) Interpreter requested	3919 Furey Street REQUEST: Application of Juan Lopez for (1) a variance to the front-yard setback regulations.	2
BDA223-115(KMH)	2820 Gooch Street REQUEST: Application of Christopher Williams for (1) a variance to the front-yard setback regulations.	3

HOLDOVER

None.

INDIVIDUAL CASES

BDA223-103(KMH)	5829 Joyce Way REQUEST: Application of Charles Rahm for a variance to the side-yard setback regulations.	4
BDA223-105(DB)	915 Monte Vista Drive REQUEST: Application of Nikie Kiani to appeal the decision of the administrative official in the denial of a CD work certificate.	5
BDA223 – FR2(DB)	915 Monte Vista Drive REQUEST: The applicant is requesting reimbursement for the application fee of BDA223-105(DB), an appeal of the decision of the administrative official in the denial of a CD work certificate.	6

City of Dallas BOARD OF ADJUSTMENT



ANNUAL REPORT

October 1, 2022- September 30, 2023

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BOARD OF ADJUSTMENT

2022-2023

MISSION, PURPOSE, AUTHORITY,

PROCESS

Board of Adjustment Mission Statement

The Board of Adjustment (BOA) is a quasi-judicial body, appointed by the City Council, charged with certain decision-making functions, which aim to uphold the meaning and spirit of the zoning ordinance as enacted by city ordinance or state legislation. The purpose of the Board of Adjustment is to implement the zoning ordinance and to apply discretion in exceptional instances where building permits are desired but are not literally conforming to the regulations. Primary responsibility for administration of the zoning ordinance falls on the Building Official, subject to appeals to the Board of Adjustment and ultimately to the courts.

- (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.

Purpose

City of Dallas Board of Adjustment
Dallas Development Code, SEC 51A-4.501

The purpose of the Dallas zoning code is to promote the public health, safety and general welfare but in order for a comprehensive zoning map and ordinance to properly function in accordance with the purpose for which it is designed, it is necessary from time to time that some modification of these zoning regulations be made. The purpose of the Board of Adjustment was to implement the zoning ordinance and to apply discretion in exceptional instances where building permits are desired but are not literally conforming to the regulations. The Board of Adjustment is a governmental agency of the city and is an essential part of the administration of zoning, engaged in a delegated policy-making function (within the standards set up in the zoning ordinance), and not merely deciding private rights, as it represents the public interest.

Authority

City of Dallas Board of Adjustment
Dallas Development Code, SEC 51A-4.501

The Board of Adjustment receives its power from the enactment of State Legislation (Chapter 211 of the Texas Local Government Code): The Board of Adjustment is permitted by State Law to establish their rules and operational procedures provided that such rules are not inconsistent with the zoning ordinance or State Law. As noted in the Board's Rules of Procedures, no action of the Board of Adjustment shall set a precedent, with each case being considered and decided on its own merits and on the circumstance's attendant thereto. Also, it is the declared purpose of the zoning ordinance that nonconforming uses be eliminated and be required to conform to the regulations prescribed in the ordinance.

The Board of Adjustment receives its powers from the City of Dallas through Chapter 51, and Chapter 51A, Dallas Development Code, as amended: The powers vested in the Board of Adjustment are discretionary in the sense that it is an administrative body created for the administration of the Zoning Law, and, within the standards set by the law, its decision, if supported by substantial evidence, are not subject to being set aside, that is, they can only be set aside for a clear abuse of discretion. The Board's functions are administrative and quasi-judicial. The actions of the Board are presumed to be valid and final, and the only recourse is for the applicant to appeal the Board's decision to the District Court. An applicant appealing to the District Court by certiorari has the burden of showing that the action of the Board was arbitrary, capricious or illegal.

The Board of Adjustment is composed of 15 Members and 6 Alternates appointed by the Dallas City Council. The Board is divided into 3 Hearing Panels composed of 5 Members each. The Mayor appoints a Board Chairman and 2 Vice Chairs to act as Presiding Officers of the 3 panels. Pursuant to the Board's Rules of Procedure, ex parte communications with the members of the Board are prohibited. All communications to the Board, 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.

It requires four (4) members of the Board of Adjustment Hearing Panel at the public hearing to constitute a quorum, and at the hearing the Board Administrator calls each appeal and gives the swearing in of the oath of truth to all persons that desire to testify in each case.

On the day of the hearing, the applicant presents his case, the opposition is then heard, and the applicant is given the opportunity for rebuttal. No rebuttal is allowed for the opposition.

An affirmative vote of at least 4 of 5 Members of a Hearing Panel is required to approve a Variance, Special Exception, regulate-discontinue a Non-Conforming use or Reverse the decision of an Administrative Official of the City. The Board of Adjustment normally makes their decision known on an appeal immediately after a case has been heard, and the Board may apply any restrictive conditions when they feel it is necessary. The Board's decisions are final, and the only recourse on a Board's decision is to appeal to the District Court.

The Process of Zoning Appeals

How an Appeal Is Made

After an appeal is received in the Development Services Department from the Zoning Division of the Building Inspection's Office, the appeal is assigned a case number. A route sheet is prepared so that each section within Development Services Department and other departments in the City can make comments and present facts that could be pertinent to the decision of the Board of Adjustment. Property description and public notices are prepared for all appeals that are to be acted on by the Board. The route sheet copy of the appeal, and a copy of the public notice is sent to the GIS Section of Development Services Department to have a location map, and other appropriate graphics for the Board's docket. This section also prepares labels for the property owners to be notified for each appeal being processed for the Board of Adjustment's public hearing. The notices are mailed no later than ten (10) days prior to the Board's public hearing date to comply with state statute requirements.

All public hearings are taped, and the secretary also takes notes of the hearing. Each appeal is called and all people that testify are sworn in.

The Board of Adjustment normally makes their decisions known on an appeal immediately after a case has been heard. After the hearing, letters are written informing the applicant and other concerned parties of the Board's action. Appeals are filed with the Board Office after the hearing so that no misunderstanding will occur, and all site plans are stamped approved by the Board if the appeals are granted.

BOARD OF ADJUSTMENT

2022-2023

MEMBER ROSTER

BOARD OF ADJUSTMENT MEMBER ROSTER
2022-2023

Panel A

David A. Neumann, Chairman (appt'd 10/05/21)
Jay Narey, regular member (re-appt'd 9/01/21)
Lawrence Halcomb, regular member; (re-appt'd 09/22/21)
Kathleen F. Davis, regular member (appt'd 11/16/21)
Rachel Hayden, regular member (appt'd 08/24/22)

Panel B

Cheri Gambow, Vice Chair (re-appt'd 10/27/21)
Michael Karnowski, regular member (appt'd 09/01/21)
Joseph Cannon, regular member (appt'd 09/22/21)
Matt Shouse, regular member (re-appt'd 10/13/21)
Herlinda Resendiz, regular member (app't 11/03/21)
Sarah Lamb, regular member (re-appt'd 03/08/23)
Derrick Nutall, regular member (appt'd 06/14/23)

Panel C

Robert Agnich, Vice Chair (re-appt'd: 8/25/21)
Judy Pollock, regular member (re-appt'd: 11/16/21)
Roger Sashington, regular member (re-appt'd: 12/01/21)
Rodney Milliken, regular member (appt'd: 01/05/22)
Jared Slade, regular member (appt'd to Panel C from Alt 02/02/22)

ALTERNATE MEMBERS

Nicholas Brooks (re-appt'd: 09/09/21)
Dr. Emmanuel Glover (appt'd: 09/09/21)
TC Fleming (appt'd: 09/22/21)
Andrew Finney (appt'd: 04/13/22)
Todd Hill (appt'd 9/22/21)
Philip Sahuc (appt'd: 10/12/22)

Resignations, Forfeitures and Term Endings: 10/22- 09/23

Herlinda Resendiz – Forfeited 10/12/22
Todd Hill – Resigned 01/04/23
Matt Shouse - Resigned 03/01/23
Lawrence Halcomb – Term ended 9/30/2023

BOARD OF ADJUSTMENT

2022-2023

MEMBER ATTENDANCE

BOARD OF ADJUSTMENT ATTENDANCE 2022-2023													
		SPECIAL CALL											
PANEL C	2022	FULL BOARD MEETING	2022	2022	2023	2023	2023	2023	2023	2023	2023	2023	2023
MEETING DATES	17-Oct	1-Nov	14-Nov	12-Dec	January	23-Feb	20-Mar	17-Apr	15-May	22-Jun	17-Jul	14-Aug	18-Sep
Robert Agnich					RECESS		CANCELLED	CANCELLED				CANCELLED	CANCELLED
Judy Pollock		A			RECESS		CANCELLED	CANCELLED				CANCELLED	CANCELLED
Roger Sashington		A			RECESS		CANCELLED	CANCELLED		A		CANCELLED	CANCELLED
Rodney Milliken			A		RECESS		CANCELLED	CANCELLED				CANCELLED	CANCELLED
Jared Slade					RECESS		CANCELLED	CANCELLED				CANCELLED	CANCELLED
PANEL A													
MEETING DATES	18-Oct	1-Nov	15-Nov	December	17-Jan	21-Feb	21-Mar	18-Apr	16-May	20-Jun	18-Jul	15-Aug	19-Sep
Dave Neumann				RECESS									
Jay Narey	A			RECESS						A			
Lawrence Halcomb				RECESS									
Kathleen Frankford				RECESS				A					
Rachel Hayden				RECESS						A			
PANEL B													
MEETING DATES	19-Oct	1-Nov	16-Nov	December	18-Jan	22-Feb	22-Mar	19-Apr	17-May	21-Jun	July	16-Aug	20-Sep
Cheri Gambow			CANCELLED	RECESS		CANCELLED		CANCELLED		CANCELLED	RECESS		CANCELLED
Sarah Lamb (re'appt'd 3/08/23)						CANCELLED		CANCELLED		CANCELLED	RECESS		CANCELLED
Joseph Cannon			CANCELLED	RECESS		CANCELLED		CANCELLED		CANCELLED	RECESS		CANCELLED
Michael Karnowski			CANCELLED	RECESS		CANCELLED		CANCELLED	A	CANCELLED	RECESS		CANCELLED
Derrick Nutall (appt'd 6/14/23)										CANCELLED	RECESS		CANCELLED
Herlinda Resendiz (forfeit: 10/12/22)													
Matt Shouse (Resign 3/01/23)	A		CANCELLED	RECESS							RECESS		
ALTERNATES													
Nick Brooks													
Dr. Emmauel Glover													
Andrew Finney													
Phil Sahuc													
TC Fleming													
Todd Hill Rresigned 01/04/23)													
LEGEND													
A	ABSENT												
A	GP												

BOARD OF ADJUSTMENT

2022-2023

SUMMARY OF WORK &

ACCOMPLISHMENTS

City of Dallas
Board of Adjustment
October 31, 2023

Progress Report 2022-2023 Goals and Objectives

1. GOAL: Improve all (Staff, Board, Property Owner) aspects of the Board of Adjustment's Timeliness, Transparency, Accuracy, and Teamwork

RESULT:

- City Council has delivered the funds and the resources necessary for the Board of Adjustment to achieve this goal.
- Excellent Member attendance at calendarized Panel Hearings with 30 minutes added to the briefing time to allow for better preparation for Public Hearing.
- Staffing challenges, learning curves, and inconsistencies in presentations sometimes created less than the well-informed hearings (based on our own stated standards and procedure) than we have been accustomed to and desire.

2. GOAL: Successfully transition city staff support to Development Services Department with new Board Administrator and Senior Planners

RESULT:

- Three Board Administrators (interim and full time) since our last Annual Meeting resulting in multiple transitions and unfilled Senior Planner positions.
- Insufficient communication between the Staff to the Board undercuts our collective capacity to execute our responsibilities on the Board.
- Jason Pool's addition as Development Services Administrator with BOA staff oversight brings hope for better communication, coordination, and consistency.

3. GOAL: Significantly decrease days to hearing timeline for the taxpayer/property owner

RESULT:

- 82 or 78 or 73 ? days from accepted application to hearing. Lack of a verifiable consistent measurement. Critical missed opportunity to better serve the taxpayer/property owner.

4. GOAL: Meeting agenda/dockets publicly available seven (7) days in advance of hearings

RESULT:

- Success. Staff has posted agenda/docket materials for the benefit of the public on time over 85% of the time.

Board of Adjustment
Progress Report 2022-2023 Goals and Objectives

5. GOAL: Significant website enhancements to increase taxpayer/property owner access and awareness of pending zoning appeals.

RESULT:

- BOA website was often inaccurate or outdated.
- Conflicting and inaccurate source of information about BOA hosted within multiple locations on City website.

6. GOAL: Quarterly enhanced training of Members/Alternates on rules, conflicts of interest, criteria for decision making and onboarding of new appointees.

RESULT:

- Successfully held training on an ad hoc basis but not quarterly.
 - New statutes affecting the Board.
 - New ethics rules and structure
- Still awaiting a standard onboarding process for new members

7. GOAL: Improving surrounding property owner notification process (area of notification increased to 300 feet from 200 feet, clarifying the format of notification, mailing days before hearing)

RESULT:

- Successful in revising surrounding property owner notification for clarity.
- Chose to hold with increasing notification area after receiving City Council feedback.

8. GOAL: Obtain more comprehensive staff/technical report presentation for appeal hearings with enhanced photos and property comparisons.

RESULT:

- Staff provided 360 videos requested by the Board. Need greater street orientation and identification.
- Some progress. The Board has too often been forced to be fact finders to obtain complete evaluation of case specific circumstances for application to the Board's legal standards in order to ensure a fair hearing.

Board of Adjustment Summary of Work

<u>BOA Work Summary</u>	<u>2021-2022</u>	<u>2022-2023</u>	
	<u>10/21-09/22</u>	<u>10/22-09/23</u>	<u>Change %</u>
Total Number of Hearings	29	23	-21%
Total Applications	156	111	-29%
Total Requests	200	199	-1%
Special Exceptions	99	127	28%
Variances	55	52	-5%
Appeal of a Building Official's Decision	8	4	-50%
Fee Waivers	4	0	-100%
Hold Over	30	16	-47%
Compliance Case(s)	4	0	-100%
No. of Cases Approved	133	150	13%
No. of Cases Denied	37	29	-22%
Cases Held Under Advisement	28	20	-29%
Cases Withdrawn	2	0	-100%

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
October 17, 2022	BDA212-093	9330 Hollow Way Rd.	R-1ac(A)	13	sp ex fnc height reg; sp ex fnc standards	App w/ cons x2	8
October 17, 2022	BDA212-094	9915 Avalon Creek Ct.	R-10(A)	13	sp ex fnc height reg; sp ex vis obstr	App w/ cons x2	15
October 17, 2022	BDA212-100	1325 Grant St.	R-5(A)	4	sp ex sf reg; add'l dwelling	App w/ cons	37
October 17, 2022	BDA212-104	521 Faulk St.	R-5(A)	4	sp ex vis obstr x2; var fryd setbk; var max lot coverage	App w/ cons x4	31
October 18, 2022	BDA212-079(holdover)	424 W. Davis St.	CD-7	1	sp ex parking reg	App w/ cons	H
October 18, 2022	BDA212-088	9903 Witham St.	R-7.5(A)	6	var floor area ratio;sp ex sf reg	App w/ cons x2	27
October 18, 2022	BDA212-096	5212 Tremonst St.	PD-97	14	sp ex rear yd setbk- preserve tree	App w/ cons	19
October 18, 2022	BDA212-098	4308 Beechwood Ln.	R-10(A)	13	sp ex sf reg; add'l dwelling	App w/ cons	15
October 18, 2022	BDA212-103	4610 Bluffview Blvd.	PD-455	13	sp ex ft yd setbk; sp ex fnc height	Denied w/o prej x2	16
Withdrawn: BDA212-097 10648 Lakemere Dr.							
October 19, 2022	BDA212-084(holdover)	4706 Memphis St.	IR	6	sp ex vis obst x2	App w/ cons x2	H
October 19, 2022	BDA212-092	10203 Cayuga Rd.	CS	9	var parking reg	App w/ cons	18
October 19, 2022	BDA212-095	7770 Forest Ln.	MU-1	11	sp ex sign reg	Denied w/o prej	5
October 19, 2022	BDA212-099	2303 N. Carroll Ave.	MF-2(A)	2	var parking reg	App w/ cons	53
October 19, 2022	BDA212-101	11350 LBJ Fwy.	MC-1, NO (A)	9	sp ex sign reg	App w/ cons	13
October 19, 2022	BDA212-102	247 W. Davis St.	Subdistrict 6 PD 830	1	sp ex landscape reg	App w/ cons	22
November 14, 2022	BDA212-105	3923 Frontier Ln.	R-7.5(A)	9	holdover	Holdover	25
November 14, 2022	BDA212-108	5146 Yolanda Ln.	R-1ac(A)	13	sp ex fnc height	Denied w/o prej	11
November 14, 2022	BDA212-110	7021 Creek Bend Rd.	PD 106 (R-10(A))	12	var frt yd setbk	App w/ cons	18
November 15, 2022	BDA212-107	9501 El Centro Dr.	MF-2(A)	2	sp ex landscape reg	App w/ cons	24

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
November 15, 2022	BDA212-109	3318 Knight St.	PD-193	14	var floor area reg; var rear yd setbk; var sd yd setbk; sp ex sf use reg	Denied w/o prej x4	95
November 15, 2022	BDA212-111	6524 Alpha Rd.	PD-78,R-1/2ac(A),R-16(A)	11	holdover	Holdover	53
November 15, 2022	BDA212-112	6625 Alpha Rd.	PD-111,PD-558,R-1/2ac(A),R-16(A)	11	holdover	Holdover	46
December 12, 2022	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	Holdover	Holdover	
December 12, 2022	BDA212-113	10203 Hollow Way Rd.	R-1ac(A)	13	sp ex fnc height	App w/ cons	14
December 12, 2022	BDA212-114	3516 Northaven Rd.	R-10(A)	13	sp ex sf use; add'l dwelling	App w/ cons	16
December 12, 2022	BDA212-115	238 HillvaleDr.	R-7.5(A),RR	4	sp ex landscape reg; req time ext	App w/ cons	88
December 12, 2022	BDA212-116	937 S. Belt Line Rd.	CR,CS,R-10(A)	8	sp ex landscape reg	App w/ cons	9
January 17, 2023	BDA212-111(holdover)	6524 Alpha Rd.	PD-78,R-1/2ac(A),R-16(A)	11	sp ex fnc height; sp ex fnc standards; sp ex vis obstr x2	App w/ cons X3; Denied w/o prej (45 FT VIS OBSTR)	
January 17, 2023	BDA212-112(holdover)	6625 Alpha Rd.	PD-111,PD-558,R-1/2ac(A),R-16(A)	11	sp ex fnc height; sp ex fnc standards; sp ex vis obstr	App w/ cons X3	
January 17, 2023	BDA223-001	7120 Cortland Ave.	R-7.5(A)	2	sp ex fnc height; sp ex vis obstr	App w/ cons X2	27
January 17, 2023	BDA223-002	1011 Nomas St.	R-5(A)	6	var frt yd setbk	App w/ cons	9
January 17, 2023	BDA223-003	1021 Nomas St.	R-5(A)	6	var frt yd setbk; var sd yd setbk	App w/ cons x2	14
January 17, 2023	BDA223-006	10240 Gaywood Rd.	R-1ac(A)	13	holdover	Holdover	10
January 17, 2023	BDA223-008	5203 Mercedes Ave.	CD-9	14	var parking reg	App w/ cons	27
January 18, 2023	BDA223-004	202 Beckleymeade Ave.	R-7.5(A)	8	holdover	Holdover	9
January 18, 2023	BDA223-005	4608 Harrys Ln.	R-1ac(A)	13	sp ex sf use; add'l dwelling	App w/ cons	9
January 18, 2023	BDA223-007	7629 W. Lovers Ln.	R-7.5(A)	13	sp ex sf use; add'l dwelling	App w/ cons	27
January 18, 2023	BDA223-009	10323 Lennox Ln.	R-1ac(A)	13	sp ex fnc height	App w/ cons	11
January 18, 2023	BDA223-010	10747 Lennox Ln.	R-1ac(A)	13	sp ex fnc height; sp ex fnc standards; sp ex vis obstr	App w/ cons	12
January 18, 2023	BDA223-011	10227 Gaywood Rd.	R-1ac(A)	13	holdover	Holdover	9
January 18, 2023	BDA223-012	4401 Lemmon Ave.	PD-193	14	var parking reg	App w/ cons	17

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
February 21, 2023	BDA223-006(holdover)	10240 Gaywood Rd.	R-1ac(A)	13	sp ex fnc height	App w/ cons	
February 21, 2023	BDA223-006(holdover)	10240 Gaywood Rd.	R-1ac(A)	13	sp ex fnc standards	App w/ cons	
February 21, 2023	BDA223-006(holdover)	10240 Gaywood Rd.	R-1ac(A)	13	sp ex vis obstr	deny with prejudice	
February 21, 2023	BDA223-013	5415 Yolanda Ln.	R-1ac(A)	13	sp ex sf use; add'l dwelling	App w/ cons	9
February 21, 2023	BDA223-014	3318 Knight St.	PD-193	14	var sd yd setbk	App w/ cons	95
February 21, 2023	BDA223-015	2027 Melbourne Ave	R-7.5(A)	1	sp ex sf use; add'l dwelling, var floor area ratio	App w/ cons	26
February 21, 2023	BDA223-018	1801 Mentor Ave	R-7.5(A)	4	var frt yd setbk	deny without prejudice	24
February 21, 2023	BDA223-019	5550 Walnut Hill Ln.	R-1ac(A)	13	sp ex fnc height; sp ex fnc standards	App w/ cons	14
February 22, 2023 Cancelled Per Chairman (Panel B)				February 22, 2023 Cancelled Per Chairman (Panel B)			
February 23, 2023	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	var frt yd setbk	App w/cons	
February 23, 2023	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	sp ex fnc height	App w/cons	
February 23, 2023	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	sp ex fnc standards	App w/cons	
February 23, 2023	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	sp ex vis obstr	App w/cons	
February 23, 2023	BDA223-017	4327 Cabell Ave	MF-2(A)	2	sp ex fnc height	App w/cons	26
February 23, 2023	BDA223-017	4327 Cabell Ave	MF-2(A)	2	sp ex fnc height; sp ex fnc standards; sp ex vis obstr x2	App w/cons	
February 23, 2023	BDA223-017	4327 Cabell Ave	MF-2(A)	2	sp ex fnc standards	App w/cons	
February 23, 2023	BDA223-020	4502 Leland Ave.	PD-595	7	var frt yd setbk	App w/cons	27
February 23, 2023	BDA223-021	4803 Victor St.	PD-98	2	var frt yd setbk	App w/cons	25
March 20, 2023 Cancelled Per Chairman (Panel C)				March 20, 2023 Cancelled Per Chairman (Panel C)			
March 21, 2023	BDA223-022	4011 Turtle Creek Blvd	PD 193	14	sp ex sf reg/add'l dwelling	Approved	21

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
March 21, 2023	BDA223-024	5506 Columbia Ave	D(A)	2	sp ex fnc height	App w/cons	21
March 21, 2023	BDA223-025	13418 Hughes Ln.	R-1/2ac(A), R-16(A)	11	sp ex fnc height/sp ex fnc standards	App w/cons	10
March 21, 2023	BDA223-027	5608 Live Oak	MF-2(A)	14	variance fnc height	Denied without prejudice	47
March 21, 2023	BDA223-028	1300 W. Mockingbird Ln.	MU-3	2	sp ex parking reg	App w/cons	8
March 22, 2023	BDA223-004(holdover)	202 Beckleymeade Ave.	R-7.5(A)	8	Holdover	Holdover	
March 22, 2023	BDA223-011(holdover)	10227 Gaywood Rd.	R-1ac(A)	13	sp ex fnc height	Deny with prejudice	
March 22, 2023	BDA223-016	9525 White Rock Trail	D(A), PD-1007, PD-1074	10	SE FH	POSTPONED	
March 22, 2023	BDA223-023	6010 Prestonsire Ln.	R-10(A)	13	holdover	Holdover	13
March 22, 2023	BDA223-026	5253 Bonita Ave.	R-7.5(A)	2	variance frt yrd setbck	Approved w/ cons	31
April 17, 2023 Cancelled Technical issues (Panel C)				April 17, 2023 Cancelled technical issues (Panel C)			
April 18, 2023	BDA223-029	8915 Douglas	R-1ac(A)	13	sp ex fnc height/sp ex fnc standards	App w/cons	12
April 18, 2023	BDA223-029	8915 Douglas	R-1ac(A)	13	Front yard panels	App w/cons	12
April 18, 2023	BDA223-032	510 Newell	CD-6	14		POSTPONED	
April 18, 2023	BDA223-035	1020 McBroom	R-5(A)	6	variance sd yrd setbck	Denied without prejudice	13
April 18, 2023	BDA223-037	4178 Saranac	R-10(A)	6	sp ex fnc height	Denied without prejudice	22
April 18, 2023	BDA223-037	4178 Saranac	R-10(A)	6	sp ex vsblty obstruction	Denied with prejudice	22
April 19, 2023 Cancelled Technical issues (Panel C)				April 19, 2023 Cancelled technical issues (Panel C)			
May 15, 2023	BDA223-031	1713 E Kiest Blvd	R-7.5(A)	4	sp ex fnc height	Approved w/ cond	45
May 15, 2023	BDA223-031	1713 E Kiest Blvd	R-7.5(A)	4	sp ex fnc standards	Approved w/ cond	
May 15, 2023	BDA223-033	3839 Seguin	R-7.5(A)	6	sp ex fnc height	Deny without Prejudice	26

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
May 15, 2023	BDA223-033	3839 Seguin	R-7.5(A)	6	sp ex fnc standards	Deny without Prejudice	
May 15, 2023	BDA223-036	1017 Nomias	R-5(A)	6	variance frt yrd stbck	Approved w/ cond	13
May 15, 2023	BDA223-041	5505 S. Polk	R-7.5(A)	3	sp ex fnt yrd stbck	Approved w/ cond	13
May 16, 2023	BDA223-042	2602 Kilburn Ave	R-7.5(A)	4	sp ex single family reg	Approved	45
May 16, 2023	BDA223-043	8020 Park Lane	R-7.5(A)	6	variance fnt yrd stbck	Approved w/ cond	26
May 16, 2023	BDA223-044	1718 S. Good Latimer	R-5(A)	6	sp ex landscape requirement	Approved w/ cond	13
May 16, 2023	BDA223-046	5519 Morningside Ave	R-7.5(A)	3	AO	Approved	13
May 16, 2023	BDA223-055	5519 Ridgedale Ave	CD-9	3	AO	Approved	
May 17, 2023	BDA223-030	5916 Swiss Ave	PD-63	14	variance far sf reg	Denied	16
May 17, 2023	BDA223-034	7202 La Vista	R-7.5(A)	14	fence height	Approved w/ cond	29
May 17, 2023	BDA223-038	5215 Morningside	CD-9	14	Holdover	Holdover	32
May 17, 2023	BDA223-039	9226 Club Glen	R-7.5(A)	10	fence height	Approved w/ cond	23
May 17, 2023	BDA223-040	6830 Desco	R-7.5(A)	13	side yard setback	Approved w/ cond	14
May 17, 2023	BDA223-004(holdover)	202 Beckleymeade Ave.	R-7.5(A)	8	variance sd yrd stbck	Approved w/ cond	
May 17, 2023	BDA223-004(holdover)	202 Beckleymeade Ave.	R-7.5(A)	8	sp ex landscape requirements	Approved w/ cond	
May 17, 2023	BDA223-023(holdover)	6010 Prestonsire Ln.	R-10(A)	13	sp ex single family reg / add'l dwelling	Approved w/ cond	
June 20, 2023	BDA223-048	6821 McCallum Blvd	Pd-106	12	sp ex fnc height	Approved w/ cond	14
June 20, 2023	BDA223-050	4523 Frankford Road	CR	12	sp ex landscaping reg	Denied without prejudice	10
June 20, 2023	BDA223-052	7915 Roundrock Rd,	R-7.5(A)	11	sp ex sf regulations/add'l dwelling	Approved w/ cond	19
June 20, 2023	BDA223-054	6446 R. Lovers Lane	R-7.5(A)	9	variance parking reg	Approved w/ cond	23
June 20, 2023	BDA223-056	4148 Gentry dr.	R-5(A)	6	sp ex visibility obst reg	Denied without prejudice	31
June 20, 2023	BDA223-061	1020 McBroom St.	R-5(A)	6	variance sd-yrd stbck	Approved w/ cond	13

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
6/21/2023 Cancelled per Chairman				June 21, 2023 Cancelled Per Chairman (Panel B)			
June 22, 2023	BDA223-047	304 S. Beacon Street	D(A)	14	variance fnt yrd stbck	Approved w/ cond	26
June 22, 2023	BDA223-049	2513 N. Fitzhugh Ave.	CR	2	variance fnt yrd stbck	Approved w/ cond	36
June 22, 2023	BDA223-051	4001 Turtle Creek Blvd	PD-193	14	sp ex fnc height	Approved w/ cond	25
June 22, 2023	BDA223-051	4001 Turtle Creek Blvd	PD-193	14	sp ex fnc reg	Approved w/ cond	
June 22, 2023	BDA223-051	4001 Turtle Creek Blvd	PD-193	14	variance fnt yrd stbck	Approved w/ cond	
June 22, 2023	BDA223-053	7217 Brookshire Circle.	R-16(A)	11	holdover	Holdover	16
July 17, 2023	BDA212-106	817 N. Clinton Dr.	CD-1	1	variance fnt yrd stbck	Approved	27
July 17, 2023	BDA223-053	7217 Brookshire Circle.	R-16(A)	11	sp ex fnc height	Denied without prejudice	
July 17, 2023	BDA223-059	4112 Delano Place	CR, MF-2(A)	2	variance parking reg	Approved w/ conditions	43
July 17, 2023	BDA223-064	4106 South Better	R-16(A)	13	variance fnt yrd stbck	Approved w/ conditions	20
July 17, 2023	BDA223-067	402 N. Good Latimer	PD-298	14	sp ex parking reg	Approved w/ conditions	9
July 17, 2023	BDA223-068	906 Kessler Parkway	R-7.5(A)	1	sp ex fnc height	Approved w/ conditions	16
July 17, 2023	BDA223-068	906 Kessler Parkway	R-7.5(A)	1	sp ex fnc stand	Approved w/ conditions	
July 17, 2023	BDA223-069	1414 Dragon Street	PD-621	6	sp ex parking reg	Approved w/ conditions	21
July 18, 2023	BDA212-078	5526 E R.L.Thornton	CR	2	parking reduction variance	Postponed	
July 18, 2023	BDA223-058	7128 Hazel Road	R-7.5(A)	5	holdover	Holdover	28
July 18, 2023	BDA223-060	2818 Toluca Ave	R-7.5(A)	4	sp ex fnc height	Approved	25
July 18, 2023	BDA223-060	2818 Toluca Ave	R-7.5(A)	4	sp ex visibility triangle	Approved	
July 18, 2023	BDA223-063	2801 Al Lipscomb Way	PD-363	7	variance fnt yrd stbck	Approved w/Conditions	5
July 18, 2023	BDA223-063	2801 Al Lipscomb Way	PD-363	7	sp ex parking reg	Approved w/Conditions	
July 18, 2023	BDA223-065	2603 Inwood Road	IR	2	sp ex parking reg	Approved w/Conditions	12

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
July 18, 2023	BDA223-066	5518 Winston Ct.	R-1ac(A)	13	holdover	Holdover	14
July 18, 2023	BDA223-077	3349 Coronet Blvd	R-5(A)	24	holdover	Holdover	24
July 19, 2023 Cancelled Per Chairman (Panel B)				July 19, 2023 Cancelled Per Chairman (Panel B)			
August 14, 2023 Cancelled Per Chairman (Panel C)				August 14, 2023 Cancelled Per Chairman (Panel C)			
August 15, 2023	BDA223-032	510 Newell	CD-6	14	variance sd yrd stbck	Approved w/conditions	26
August 15, 2023	BDA223-058(holdover)	7128 Hazel Road	R-7.5(A)	5	sp ex sf reg / add'l dwelling	Approved w/conditions	
August 15, 2023	BDA223-058(holdover)	7128 Hazel Road	R-7.5(A)	5	variance far reg	Approved w/conditions	
August 15, 2023	BDA223-058(holdover)	7128 Hazel Road	R-7.5(A)	5	variance height reg	Approved w/conditions	
August 15, 2023	BDA223-066(holdover)	5518 Winston Ct.	R-1ac(A)	13	sp ex fnc height	Denied without prejudice	
August 15, 2023	BDA223-066(holdover)	5518 Winston Ct.	R-1ac(A)	13	sp ex fnc standards	Denied without prejudice	
August 15, 2023	BDA223-070	5027 Alcott	R-5(A)	14	variance sd yrd/ vaiance frt yard	Approved w/conditions	32
August 15, 2023	BDA223-072	6900 Wofford	R-7.5(A)	5	sp ex sd yrd	Approved w/conditions	22
August 15, 2023	BDA223-075	8334 Plainview	A(A), IR	8	variance sd yard and rear yrd stbck	Approved w/conditions	13
August 15, 2023	BDA223-077(holdover)	3349 Coronet Blvd	R-5(A)	24	variance height reg	Approved w/conditions	24
August 15, 2023	BDA223-078	5511 Merrimac	CD-9	14	AO Appeal - Paint	Reversed decision granted	33
August 16, 2023	BDA223-038(holdover)	5215 Morningside	CD-9	14	variance rear yrd reg	Approved with conditions	32
August 16, 2023	BDA223-062	2730 N. Henderson	PD-462	14	variance parking reg	Approved with conditions	26
August 16, 2023	BDA223-071	5100 Ross Ave	CR, LO-1	2	sp ex landscaping reg	Approved with conditions	9
August 16, 2023	BDA223-073	7704 Glen Albens	R-7.5(A)	13	sp ex lot coverage	Approved with conditions	20
August 16, 2023	BDA223-074	5505 Chatham Hill	R-1ac(A)	13	holdover	Holdover	15
August 16, 2023	BDA223-076	2021 Haymarket	A(A)	8	sp ex fnc height	Approved with conditions	8

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
September 18, 2023 Cancelled Per Chairman (Panel C)				September 18, 2023 Cancelled Per Chairman (Panel C)			
September 19, 2023	BDA 223-079	9211 Hathaway Street	R-1ac(A)	13	(1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standard regulations; (3) a special exception to the visibility obstruction regulations; (4) a special exception to the visibility obstruction regulations; and for (5) two variances to the front yard setback regulations	1- Approved w/cond, 2- Approved w/conds, 3 - Approved w/conds, 4 - denied without prejudice, 5 - approved w/ conds	13
September 19, 2023	BDA223-080	10020 Meadowbrook Drive	R-1ac(A)	13	(1) a variance to the side-yard setback regulations; (2) a special exception to the fence height regulations; (3) a special exception to the visibility obstruction regulations; (4) a special exception to the fence opacity standard regulations; and (5) a special exception to the fence material standard regulations	1- Approved w/cond, 2- Approved w/conds, 3 - Approved w/conds, 4 - approved w/conds, 5 - approved w/ conds	9
September 19, 2023	BDA223-081	8627 Lakemont Drive	R-10(A)	13	(1) a special exception to the fence height regulations; and (2) a special exception to the fence material standard regulations	Approved w/ conditions	15
September 19, 2023	BDA223-082	10427 Lennox Lane	R-1ac(A)	13	(1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standards; and (3) a special exception to the fence material standards	1 - approved w/conds, 2 - denied without prejudice, 3 - denied without prejudice	10
September 19, 2023	BDA223-083	9122 Inwood Road	R-1ac(A)	13	(1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity standard regulations	Holdover	11
September 19, 2023	BDA223-085	1416 S. Waverly Drive	R-7.5(A)	1	a variance to the side-yard setback regulations	Approved w/ conditions	25
September 20, 2023 Cancelled Per Chairman (Panel B)				September 20, 2023 Cancelled Per Chairman (Panel B)			

BOARD OF ADJUSTMENT

2023-2024

GOALS & OBJECTIVES

Proposed 2023 - 2024 Goals & Objectives

1. Ensure Fairness to every property owner appeal to the Board of Adjustment (BOA) through Timeliness and Accuracy for a hearing, and Transparency to the public. Strive to consistently provide a fair and complete evaluation of all relevant facts from applicant and staff on each appeal as they apply to a predefined standard.
2. Staff and Board to provide a public hearing for property owner appeals to BOA within 60 days on average from taxpayer application. Streamline staff processing and potentially modify BOA Panel hearing calendar to accomplish. Create a verifiable predefined consistent measurement of days from application to Hearing, (State law requires a hearing within 60 days for a Building Administrative Official appeal and 30 days for Plats)
3. Staff to prepare a more comprehensive and technical analysis for appeal hearings with enhanced photos and property comparisons to include the surrounding properties within 200 feet of the appeal location.
4. Significant website enhancements to include a single/linked online accurate source of information for BOA, updated regularly to increase taxpayer/property owner understanding and awareness of all pending zoning appeals to include pending case look up and application flowchart/process.
5. Quarterly enhanced training of members/alternates on rules, conflicts of interest, criteria for decision making and onboarding of new appointees.

BOARD OF ADJUSTMENT

**RECOMMENDATIONS TO THE
CITY COUNCIL**

Board of Adjustment Recommendation to the City Council

1. Request City Council continued oversight to ensure Development Services Department's focus on Timeliness, Accuracy and Transparency for all phases of a Board of Adjustment appeal by a property owner.
2. Fund the hiring and training of Development Services professional and support staff to achieve reasonable/reduced days from application to public hearing, more comprehensive staff presentations, and enhanced website accessibility for BOA appeal hearings.



BOARD OF ADJUSTMENT

Panel C Minutes

November 13, 2023

DRAFT

6ES Briefing Room

[24957316190@dallascityhall.we](mailto:24957316190@dallascityhall.webex.com)

[bex.com](https://www.webex.com)

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Rodney Milliken	
Jared Slade	
Judy Pollock	
Roger Sashington	

ABSENT: [0]

Vice-Chair Agnich called the briefing to order at **10:34 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

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

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Special Call Meeting Minutes.

Motion was made to approve the Board of Adjustment Special Call Minutes.

Maker:	Judy Pollock				
Second:	Roger Sashington				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

Approval of the Board of Adjustment Panel C, July 17th, 2023 Minutes.

Motion was made to approve Panel C July 17th, 2023 public hearing minutes.

Maker:	Jared Slade				
Second:	Judy Pollock				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

UNCONTESTED ITEMS

1. 12100 Preston Road
BDA223-088(KMH)

****Vice Chair Robert Agnich has stepped out of the room due to conflict of interest with Case BDA223-088, Board Member Andrew Finney has joined the Board to have a full quorum. ****

BUILDING OFFICIAL’S REPORT: Application of Dr. Kenneth H. Cooper represented by Hudson Lockett for (1) a special exception to the landscaping and tree mitigation regulations at 12100 Preston Rd. This property is more fully described as Block 4/7460, Lot 1, and is zoned PD-68, 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 tree preservation regulations.

LOCATION: 12100 Preston Road

APPLICANT: Dr. Kenneth H. Cooper

REPRESENTED BY: Hudson Lockett

REQUEST:

- (1) A request for a special exception to the landscaping and tree mitigation regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPING AND TREE MITIGATION:

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that strict compliance with the requirements of this article 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 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 extent to which other existing or proposed amenities will compensate for the reduction of landscaping. (Ord. Nos. 22053; 25155)

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the landscape regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties.

BDA HISTORY:

No BDA History found in the last five years.

Zoning:

Site: PD 68
North: PD 68
South: PD 30, PD 64, TH-3(A) MF-1 (A) P (A) and R-16(A)
East: PD 100
West: R-16 (A)

Land Use:

The subject site is developed with a fitness center. The area to the immediate north are affiliated with the subject site. The areas to the south, east, and west are developed with single-family uses and some town house units.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the landscaping and tree mitigation regulations is made to construct and maintain a nonresidential structure.
- The purpose of this request is to provide an alternate landscape plan.

- The property is heavily wooded with many open vistas and landscape features throughout the campus including ponds, trails, and other amenities. The required landscape plan includes most of the trees on the proposed tree mitigation plan.
- The development on the site causes the removal of 20” Class 2 pecan (14” mitigation); a 30” significant live oak (45” mitigation); 24” significant pecan (36” mitigation); and a 20” Class 2 pecan (14” mitigation). The total mitigation for the project is 190”.
- The property mitigation of planting 18” of new nursery stock trees complies with Article X which leaves 91” of tree replacement to be completed.
- The applicant reports that eight memorial trees were planted from 1998 to 2019. This includes six oaks, one pecan and one Ginkgo for a cumulative current total of 75 diameter inches and growing. The request seeks to find credit for the installation and growth of the memorial trees on the property.
- The applicant reports that three trees measuring a cumulative 96 inches were “saved” in working with the Public Works Department during off-site infrastructure improvements along Willow Lane. The preservation of the trees required an engineered solution in the right-of-way but had no tree mitigation responsibility on the adjacent property owner due to the public street improvement.
- The applicant has the burden of proof in establishing that the special exception to the landscape regulations will not adversely affect the neighboring property.
- If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan, the proposal of the alternate landscape plan would be limited to what is shown on this document.
- [BDA223-088_12100 Preston Road](#) (200’ Radius Video)

Timeline:

- August 4, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- September 1, 2023: The Sustainable Development and Construction 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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and October 6, 2023, 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.

September 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

October 4, 2023: The Chief Arborist provided a memo that states, “no objection to the proposed tree mitigation plan as identified on submitted exhibit dated July 12, 2023 because the proposal will not adversely affect neighboring property.

Speakers:

For: Brad Wilkins, 12100 Preston Road, Dalls TX 75230
(Did not speak)
Hudson Lockett, 5738 Velasco, Dallas TX 75206
(Did not speak)

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-088, on application of Dr. Kenneth Cooper, **GRANT** the request of this applicant for a special exception to the landscape requirements 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 this article 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 or tree mitigation plan approved by the city plan commission or city council.

BDA223-088 —Application of Dr. Kenneth Cooper a special exception to the landscape requirements contained in Article X 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:	Judy Pollock				
Second:	Rodney Milliken				
Results:	5-0				Motion to grant
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, Jared Slade, and Andrew Finney
		Against:	-	0	

****Vice Chair Robert Agnich back in the room at 1:13 pm****

2. 3344 Topeka Avenue

***This case was moved to Individual Items**

BDA223-086(KMH)

BUILDING OFFICIAL'S REPORT: Application of Sixto Diaz for (1) a variance to the front yard setback regulations at 3344 Topeka Ave. This property is more fully described as Block C/7097, Lot 10, and is zoned R-5(A) NSO13, which requires a front yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot front yard setback, which will require (1) a 13-foot variance to the front yard setback regulations.

LOCATION: 3344 Topeka Ave.

APPLICANT: Sixto Diaz

REQUEST:

(2) A request for a variance to the front yard setback regulations.

STANDARD 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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

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. Restrictive in area due to the floodplain which limits the buildable area of the lot; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not a self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Zoning:

Site: R-5(A) NSO13 Single Family District
North: R-5 (A), PD 802, SUP 1894, A(A)
South: R-5 (A) Single Family District
East: R-5 (A) Single Family District
West: R-5 (A) Single Family District

Land Use:

The subject site is developed with a single family home. The areas to the north, south, east, and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 13-feet is made to construct and/or maintain a single-family residential structure.

- The subject site is surrounded by single family homes.
- The Dallas Development Code and the NSO13 regulations require a 20-foot front yard setback.
- As gleaned from the submitted site plan, the applicant proposes to construct a new single-family residential home providing a 7-foot front yard setback.
- It is imperative to note the lot lies within the 500-year floodplain and the 100-year floodplain, according to Engineering and Floodplain Management notes, which ultimately limits the buildable area of the lot.

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

- That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- 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 **State Law/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 13-foot variance to the front yard setback 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.
 - BDA223-086 3344 Topeka (200' radius video)

Timeline:

- July 31, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- September 1, 2023: The Sustainable Development and Construction 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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and October 6, 2023, 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.
- September 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: Frances Cervantez, 3344 Topeka Ave, Dallas TX 75212

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-086, on application of Sixto Diaz, **GRANT** the 13-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Jared Slade			
Second:	Judy Pollock			

Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashinton, Rodney Milliken, Jared Slade
		Against:	-	0	

3. 5327 Richard Avenue

***This Case was moved to Individual Items**

BDA223-087(KMH)

BUILDING OFFICIAL’S REPORT: Application of Brad Butz for a (1) variance to the side yard setback regulations at 5327 Richard Ave. This property is more fully described as Block 21/1941, Lot 22 and is zoned CD-15, which requires a side yard setback of 10-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 3-foot side yard setback, which will require (1) a 7-foot variance to the side yard setback regulations.

LOCATION: 5327 Richard Ave.

APPLICANT: Brad Butz

REQUEST:

(3) A request for a variance to the side-yard setback regulations.

STANDARD 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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

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. Restrictive in area as the side yard setback along the east side of the property is greater (10') than that of the side yard setback on the west side of the property (5');
- F. Self-created hardship as construction started without obtaining a building permit.

BDA HISTORY:

BDA 056-040: Special exception to maintain a carport for a handicap person in the required side yard setback and provide a 1-foot side yard setback, requiring a special exception of 4-feet to the side yard setback regulations. Denied.

BDA 034-121: Sign special exception. Approved.

Zoning:

Site: CD-15- Conservation District
North: CD-15 Conservation District
South: CD-15 and R-7.5 (A) Single Family District
East: CD-15 Conservation District
West: CD-15 Conservation District

Land Use:

The subject site is developed with a single family home. The areas to the north, south, east, and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 7-feet is made to construct and/or maintain a single-family residential structure.
- The subject site is surrounded by single-family homes.
- Conservation District 15 (CD-15) requires a side yard setback of 10-feet along the east side of the property, whereas the required setback along the west side of the property is 5-feet.
- As gleaned from the submitted site plan, the applicant proposes to construct and maintain a covered patio along the east side of the property providing a 3-foot side yard setback, requiring a 7-foot variance to the side yard setback regulations.

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

- That granting the variance to the side yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- 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 **State Law/HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

- Granting the proposed 7-foot variance to the side yard setback 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.
- BDA 223-087 - 5327 Richard Ave. (200' Radius Video)

Timeline:

August 3, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

September 1, 2023: The Sustainable Development and Construction 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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and October 6, 2023, 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.

September 18, 2023: The applicant provided documentary evidence for the board to consider.

September 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: Brad Butz, 5327 Richard Avenue, Dallas, TX 75206

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-087, on application of Bradley Butz, **GRANT** the 7-foot 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:	Jared Slade				
Second:	Roger Sashingtono				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Roger Sashington, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

4. 2622 Madera Street

***This Case was moved to Individual Items**

BDA223-089(KMH)

BUILDING OFFICIAL’S REPORT Application of Daniel Hernandez represented by Axel Videl for (1) variance to the front yard setback regulations, and (2) for a special exception to the fence height regulations, and (3) for a special exception to the fence standards regulations at 2622 Madera St. This property is more fully described as Block 3/1974, Lot 6 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line and requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure and provide a 5-foot front yard setback, which will require (1) a 20-foot variance to the front yard setback regulations, and to construct an 8-foot-high fence in a required front yard, which will require (2) a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (3) a special exception to the fence regulations.

LOCATION: 2622 Madera St.

APPLICANT: Daniel Hernandez

REPRESENTED BY: Axel Videl

REQUEST:

- (1) A request for a variance to the front yard setback regulations;
- (2) A request for a special exception to the fence height regulations; and
- (3) A request for a special exception to the fence opacity standard regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

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

STANDARD 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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this or any request for a special exception to the fence regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

Variance:

Approval

Based upon the evidence presented and provided to staff, staff concluded that the request is:

- not contrary to public interest as no opposition was received;
- The site is restrictive as it is irregularly shaped and has two front yards, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- It is not self-created.

BACKGROUND INFORMATION:

Zoning:

- Site:** R-7.5 (A) (Single Family District)
- North:** R-7.5 (A) (Single Family District) and CD-15
- East:** R- 7.5 (A) (Single Family District)
- South:** R- 7.5 (A) (Single Family District); PD 462 and PD 990
- West:** R- 7.5 (A) (Single Family District)

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Daniel Hernandez for the property located at 2622 Madera Street focuses on several requests. The first request is for a variance to the 25-foot front yard setback regulations. The applicant is proposing to construct and maintain a residential structure, a pool, in the required front yard providing a 5-foot front yard setback, therefore, requiring a variance of 20-feet to the front yard setback regulations. It is imperative to note that the subject property has two street frontages, Madera Street and Bonita Ave. In a typical zoning R-7.5 district, most lots tend to have only one front yard; therefore, having two front yards and no rear yard makes it quite difficult to be developed in a manner commensurate with the development upon other parcels of land with the same zoning.
- Secondly, the applicant is requesting a special exception to the fence height regulations of 4-feet. The applicant is proposing to construct and maintain an 8-foot-high fence in the

required front yard along Bonita Ave.; requiring a 4-foot special exception to the fence height regulations.

- Additionally, the applicant proposes to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- The subject site along with properties to the north, east, south and west developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct a pool providing a 5-foot front yard setback along Bonita Ave, which will require a 20-foot variance. Also, along Bonita Ave, the applicant is proposing to construct an 8-foot-high fence. As mentioned previously, this particular site is unique in nature as it has two street frontages but is not a corner lot. Having two street frontages does not allow for a rear yard. It is important to note that where the applicant is proposing to construct the pool and the fence, would typically be a rear yard.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that required yards must remain unobstructed; therefore, structures are not allowed within setbacks.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- Regarding the request for the variance, the applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 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 **State Law/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 20-foot variance to the front yard setback 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.

- [BDA223-089 2622 Madera St.](#) (200' Radius Video)

Speakers:

For: Jorge Maliachi, 2622 Madera Street, Dallas TX 7520+

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-089, on application of Daniel Hernandez, **GRANT** the 20-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington and Jared Slade
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-089, on application of Daniel Hernandez, **GRANT** the request of this applicant to construct and/or maintain a 8-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 the most recent version of all submitted plans are required.

Maker:	Judy Pollock				
Second:	Jared Slade				
Results:	4-1				Motion to grant
		Ayes:	-	4	Robert Agnich, Judy Pollock, Roger Sashington and Jared Slade
		Against:	-	1	Rodney Milliken

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 223-089, on application of Daniel Hernandez, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, 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 the most recent version of all submitted plans are required.

Maker:	Jared Slade				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington and Jared Slade
		Against:	-	0	

5. 2504 Maple Avenue

***This Case was moved to Individual Items**
BDA223-090(KMH)

BUILDING OFFICIAL'S REPORT: Application of Mohsen Heidari represented by Tate Frier for (1) a variance to the parking regulations at 2504 Maple. This property is more fully described as Block 1/949, Lot 7A, and is zoned PD-193 (HC), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant without drive-in or drive-through

service use and provide 61 of the required 80-parking spaces, which will require (1) a 19-space variance (24% reduction) to the parking regulations.

LOCATION: 2504 Maple

APPLICANT: Mohsen Heidari

REPRESENTED BY: Tate Frier

REQUEST:

(4) A request for a variance to the parking regulations.

STANDARD 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:

- (J) **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.
- (K) **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
- (L) **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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Denial

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. The site is not restrictive in that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- I. Self-created/personal hardship.

BDA HISTORY:

No BDA History found within the last 5 years.

Zoning:

Site: PD-193
North: PD-9
South: PD-193
East: PD- 193 and PD-877
West: PD-193

Land Use:

The subject site is developed with a restaurant. The areas to the north, south, east, and west are developed with commercial uses

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the off-street parking regulations of 19 spaces is made to construct and/or maintain a restaurant without drive-in or drive-through service use. The applicant proposes to provide only 61 of the required 80-parking spaces for the restaurant use, resulting in the need for a 24% reduction in the parking space requirements.
- As gleaned from the submitted site plan, the applicant is proposing to construct and/or maintain an estimated 8,000 square foot restaurant which requires approximately 80 off-street parking spaces and 2 handicapped spaces. As mentioned previously, the applicant is proposing to provide 61 of the 80 required off-street parking spaces; resulting in the need for a reduction in the number of parking spaces required.

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

- 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.
- 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 **State Law/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:

- (k) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (l) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (m) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (n) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (o) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 19-space 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.
 - In granting a special exception under Paragraph (1), the board shall specify the use or uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
 - In granting the special exception under Paragraph (1), the board may establish a termination date for the special exception or otherwise provide for the reassessment of conditions after a specified period of time.
 - A special exception granted under Paragraph (1) does not exempt a use from satisfying more restrictive requirements for handicapped parking which may be imposed by the state of Texas.
- [BDA223-090 2504 Maple](#) (200' Radius Video)

Timeline:

- August 17, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- September 1, 2023: The Sustainable Development and Construction 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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and

October 6, 2023, 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.

September 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: Tommy Mann, 500 Winstead Bldg, Dallas TX 75201
Jonathan Pedcoar, 1177 West Georgia St, Vancouver, Canada

Against: No Speakers

[Vice Chair Agnich motion to suspend the 5-page maximum documentary evidence rules to show 16 page documentary evidence presented by the applicant, seconded by Board Member Roger Sashington.](#)

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-090, on application of Mohsen Heidari, **GRANT** the 19-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:	Rodney Milliken				
Second:	Judy Pollock				
Results:	4-1				Motion to grant
		Ayes:	-	4	Judy Pollock, Rodney Milliken, Roger Sashington and Jared Slade
		Against:	-	1	Robert Agnich

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **2:31 P.M.**

Required Signature:
Mary Williams, Board Secretary
Development Services Dept.

Date

Required Signature:
Jason Pool, DEV Administrator
Development Services Dept.

Date

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

Date

FILE NUMBER: BDA223-108 (DB)

BUILDING OFFICIAL’S REPORT: Application of Pedro Montoya represented by Jesse Castillo for (1) a variance to the off-street parking regulations at 2518 N. Garrett Ave. This property is more fully described as Block B/1992, Part of lot 1 and is zoned MF-2(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a residential structure with a setback of 10-feet, which will require (1) a 10-foot variance to the off-street parking regulations.

LOCATION: 2518 N. Garrett Ave.

APPLICANT: Pedro Montoya

Represented by: Jesse Castillo

REQUEST:

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

STANDARD 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 parking 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. Restrictive in area and size for the proposed development; the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not a self-created or personal hardship.

BDA HISTORY:

No BDA history within the last 5 years.

Square Footage:

This lot contains 5000 square feet.

This lot is zoned MF-2A which requires a minimum lot area per dwelling unit. Applicant is proposing 3: 2-bedroom dwelling units therefore, they are required to have a minimum of 3600sf lot area to comply with lot size regulation.

Zoning:

Site: MF-2(A) Multifamily District
North: MF-2(A) Multifamily District

South: PD763 (MF-2(A) Multifamily District
East: MF-2(A) Multifamily District
West: MF-2(A) Multifamily District

Land Use:

The subject site is currently undeveloped with a proposed multifamily development. The areas to the north, south, east, and west are developed with duplex and multifamily uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a 10-foot variance to the off-street parking regulation where a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from the street or alley.
- The applicant proposes to construct a residential structure with a setback of 10-feet, which will require a 10-foot variance to the off-street parking regulations.
- Applicant is proposing vehicular access from the alley; Applicant will discuss with public works the use/condition of the existing alley.
- Proposed development will require 7-parking spaces (1/bedroom (2-bdrm units), plus 1 guest parking)

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.

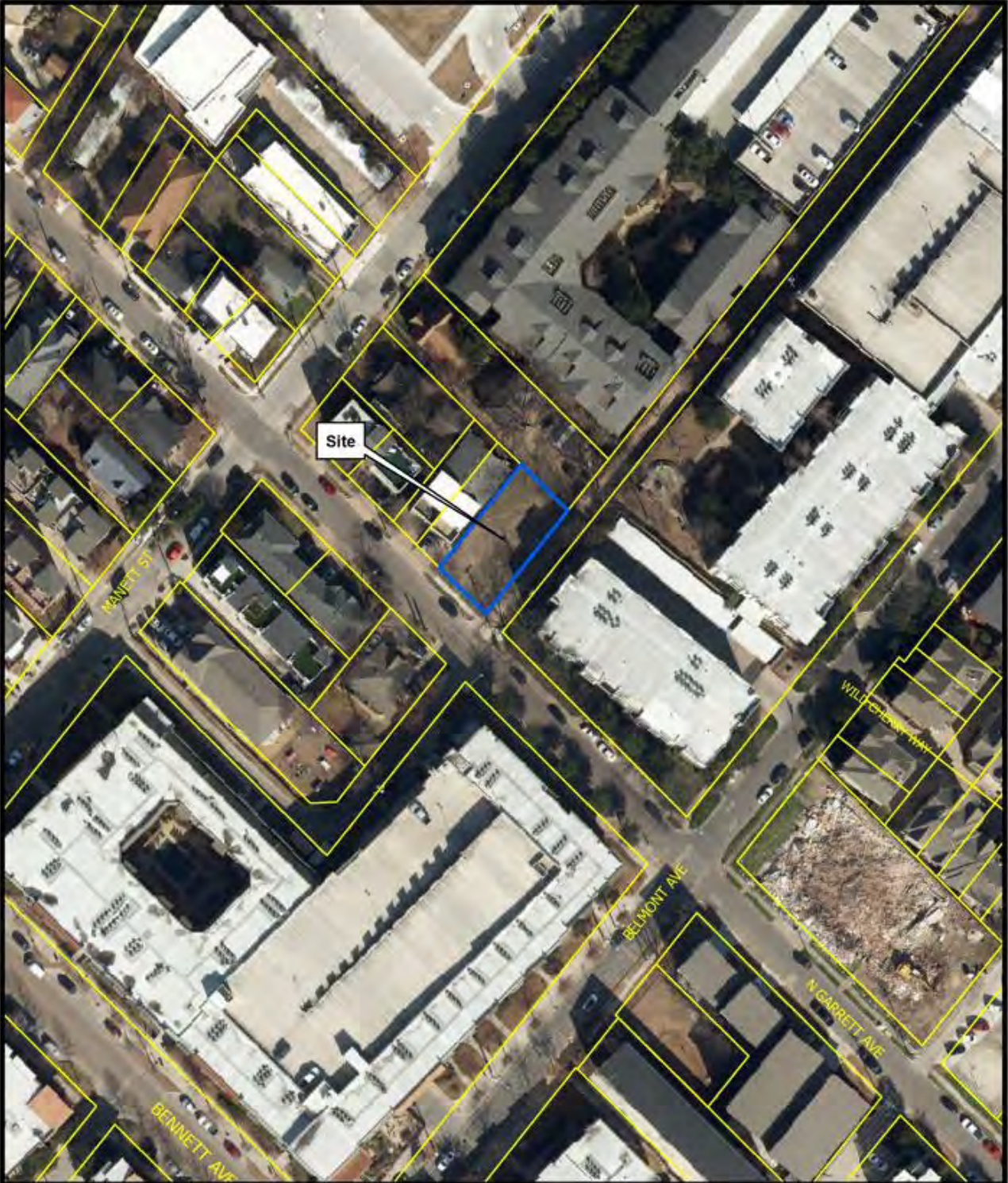
The applicant has the burden of proof in establishing the following:

- 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.

- 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.
- Granting the proposed 10-foot variance to the off-street parking regulation(s) with a condition that the applicant complies with the most recently submitted plans, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

- October 5, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 26, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- October 26, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 20, 2023, deadline to submit additional evidence for staff to factor into their analysis; and December 1, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 22, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

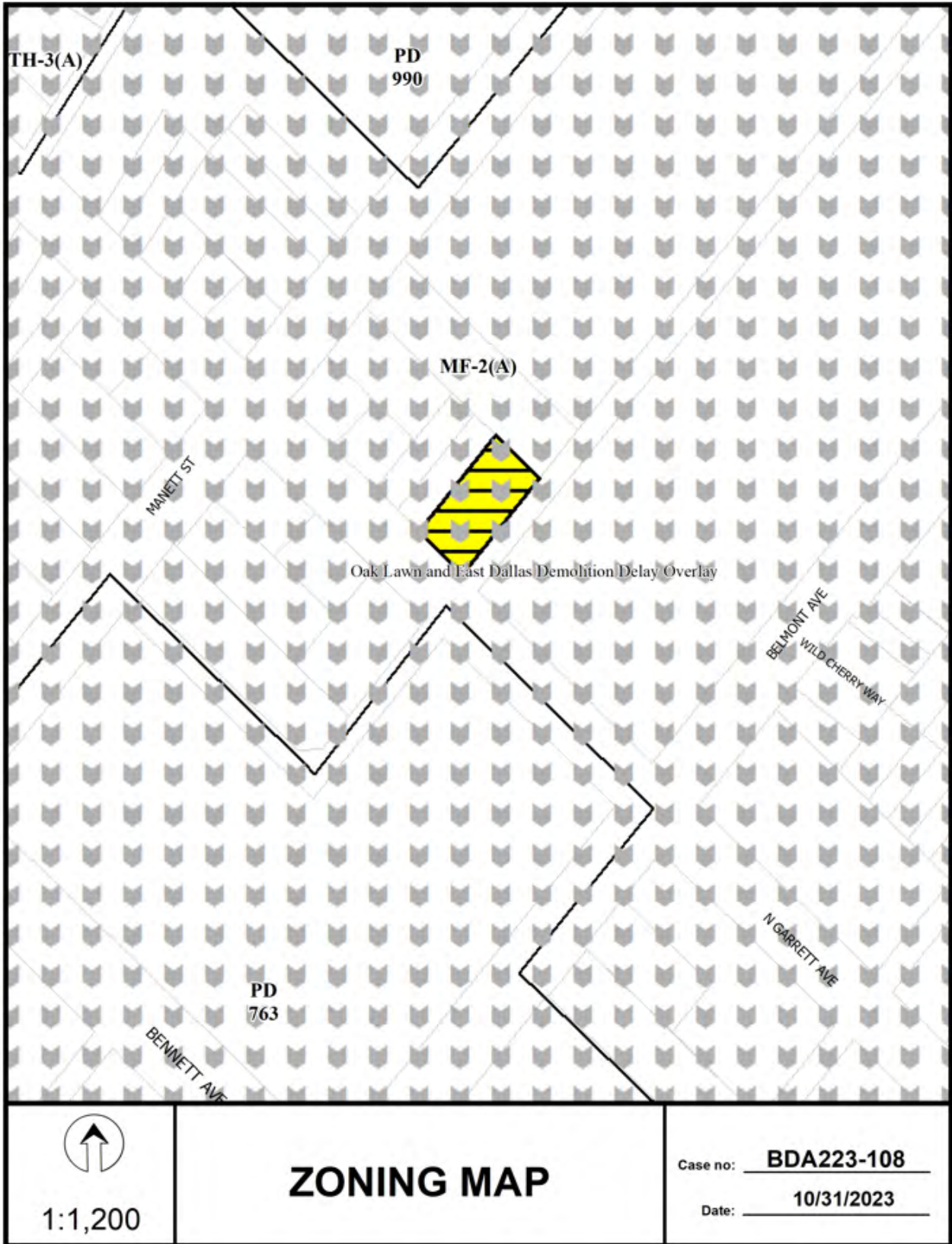


1:1,200

AERIAL MAP

Case no: BDA223-108

Date: 10/31/2023

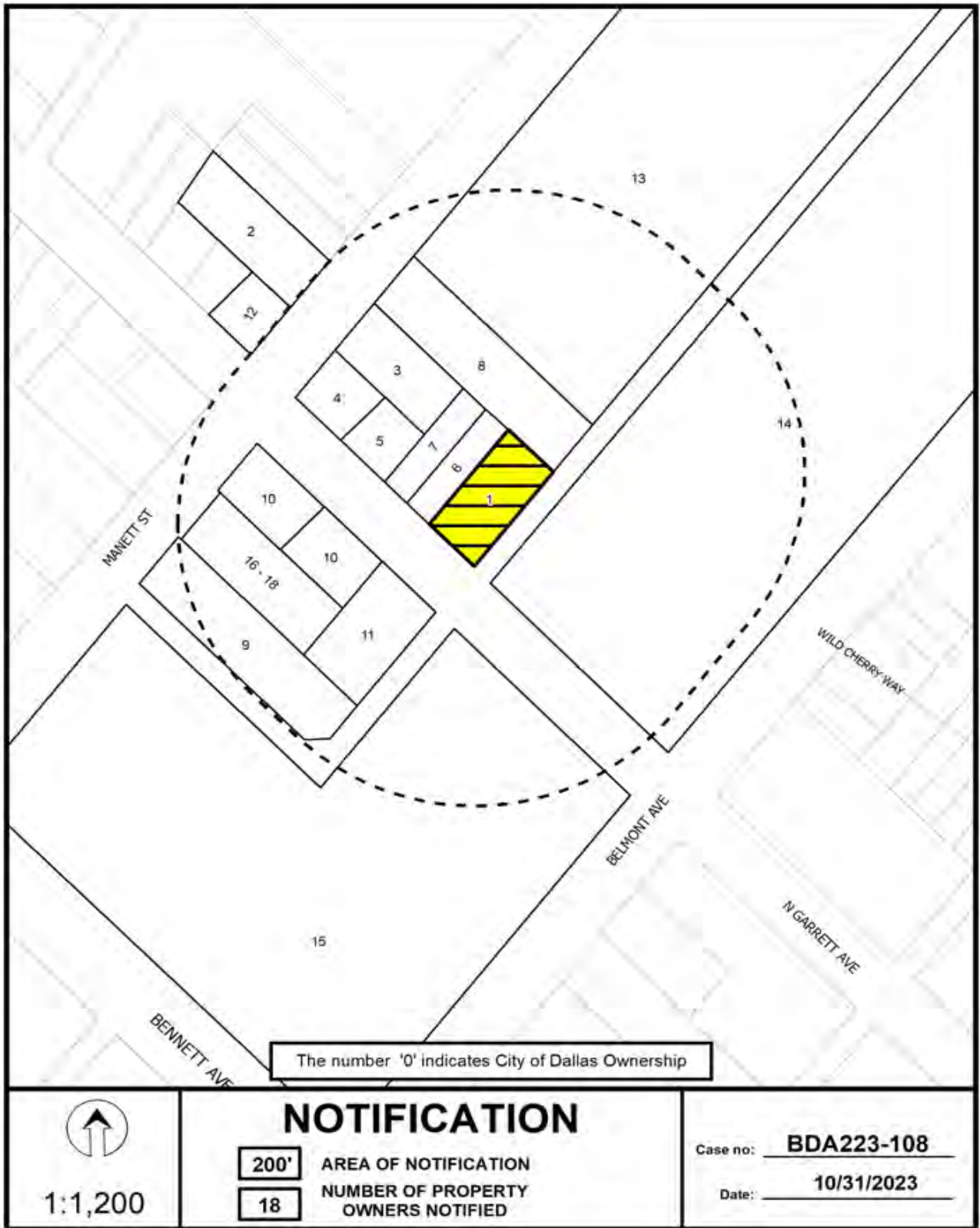


1:1,200

ZONING MAP

Case no: BDA223-108

Date: 10/31/2023



10/31/2023

Notification List of Property Owners

BDA223-108

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2518 N GARRETT AVE	MONTOYA PEDRO
2	5107 MANETT ST	CANDLER WILLIAM R
3	5104 MANETT ST	ESCOBELO ANDRES J
4	5100 MANETT ST	WERNICKI STEPHEN &
5	5102 MANETT ST	CRESCENT HOLLOW MANETT LLC
6	2524 N GARRETT AVE	WEISSMANN IVAN G
7	2522 N GARRETT AVE	ANDREWS JANET DLENE
8	5108 MANETT ST	SMITH ROLAND L
9	5020 MANETT ST	B AND K PROPERTIES LTD
10	5030 MANETT ST	GREEN EARTH INVESTMENTS LLC
11	2519 N GARRETT AVE	AZUL PROPERTIES LLC
12	5105 MANETT ST	GAGAN JEFFREY & EMILY GIRONDA
13	2525 N HENDERSON AVE	EGW EASTON INVESTMENT LP
14	5215 BELMONT AVE	CLPF KNOX HENDERSON LP
15	2500 BENNETT AVE	BELMONT BENNETT AVE LLC
16	5026 MANETT ST	ACOSTA ARCILIA CARRASCO &
17	5026 MANETT ST	STANTON CONNOR &
18	5026 MANETT ST	COHEN ALEX CHERNOF



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT



Case No.: BDA 223-108

Date: ~~6/20/2023~~

Data Relative to Subject Property:

Location address: 2518 Garrett Ave Dallas TX 75204 Zoning District: MF-2(A)(SAH)

Lot No.: 1 Block No.: B/1992 Acreage: .0114 Census Tract: 48113000901

Street Frontage (in Feet): 1) ~~150~~ 2) 50 3) ~~100~~ 4) ~~50~~ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Pedro Montoya

Applicant: Pedro Montoya Telephone: 214-537-4036

Mailing Address: 4609 Manett Ave Dallas TX 75204 Zip Code: 75204

E-mail Address: ibuyhousesindfw@gmail.com

Represented by: Jesse Castillo Telephone: 817-948-4230

Mailing Address: 1801 Annex Ave Dallas TX #402 Zip Code: 75204

E-mail Address: jesse@buyindfw.com

Affirm that an appeal has been made for a Variance or Special Exception of Lot coverage and height restrictions PARKING REGULATION TO 10' (20' REQUIRED)

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:

Will NOT CAUSE A TRAFFIC HAZARD
~~Utilization of 80% of lot coverage so that we can construct (3) 3-story condo units along with allowance to construct up to 42' in order to allow for a rooftop~~

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

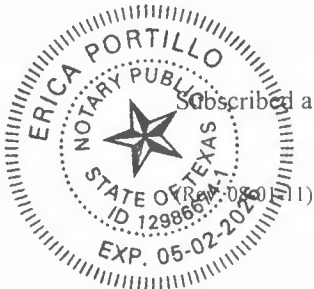
Before me the undersigned on this day personally appeared Jesse Castillo
(Affiant/Applicant's name printed)

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 27 day of June 2023

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that PEDRO MONTOYA
represented by JESSE CASTILLO
did submit a request for (1) a variance to the off-street parking regulations
at 2518 N GARRETT AVE

BDA223-108(DB) Application of Pedro Montoya represented by Jesse Castillo for (1) a variance to the off-street parking regulations at 2518 N. Garrett Ave. This property is more fully described as Block B/1992, Part of lot 1 and is zoned MF-2(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a residential structure with a setback of 10-feet, which will require (1) a 10-foot variance to the off-street parking regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-108

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

at: 2518 N. GARRETT AVE DALLAS TX 75206
(Address of property as stated on application)

Authorize: JESSE CASTILLO III
(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: ~~42' HEIGHT & 80% LOT COVERAGE~~ PARKING REGULATION TO 10'

JESSE CASTILLO III
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

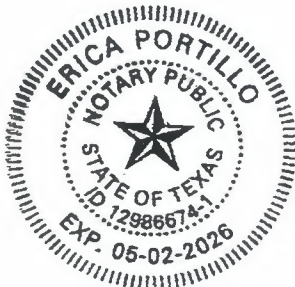
Date 4/20/23

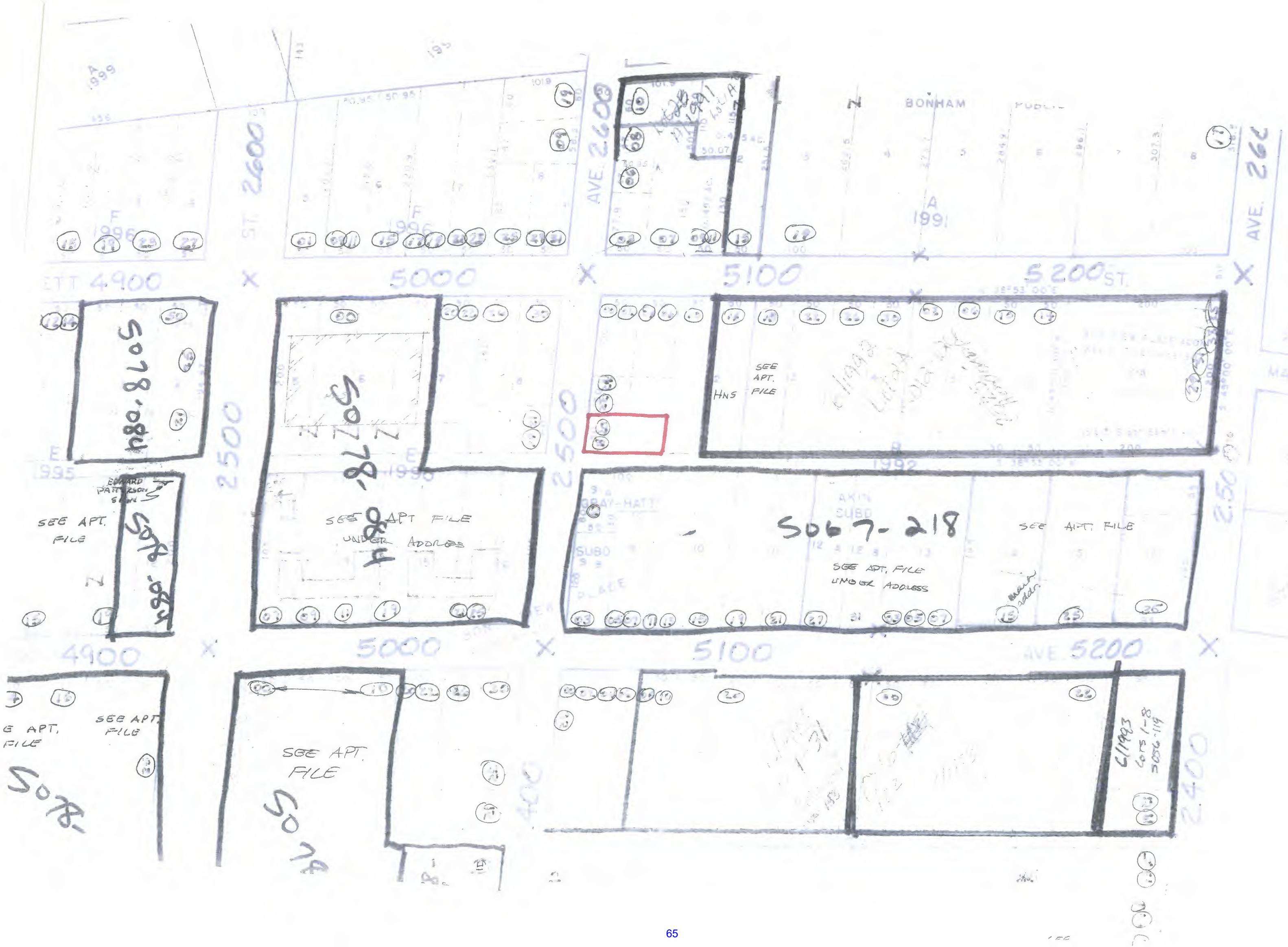
Before me, the undersigned, on this day personally appeared Jessie Castillo 3RD

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

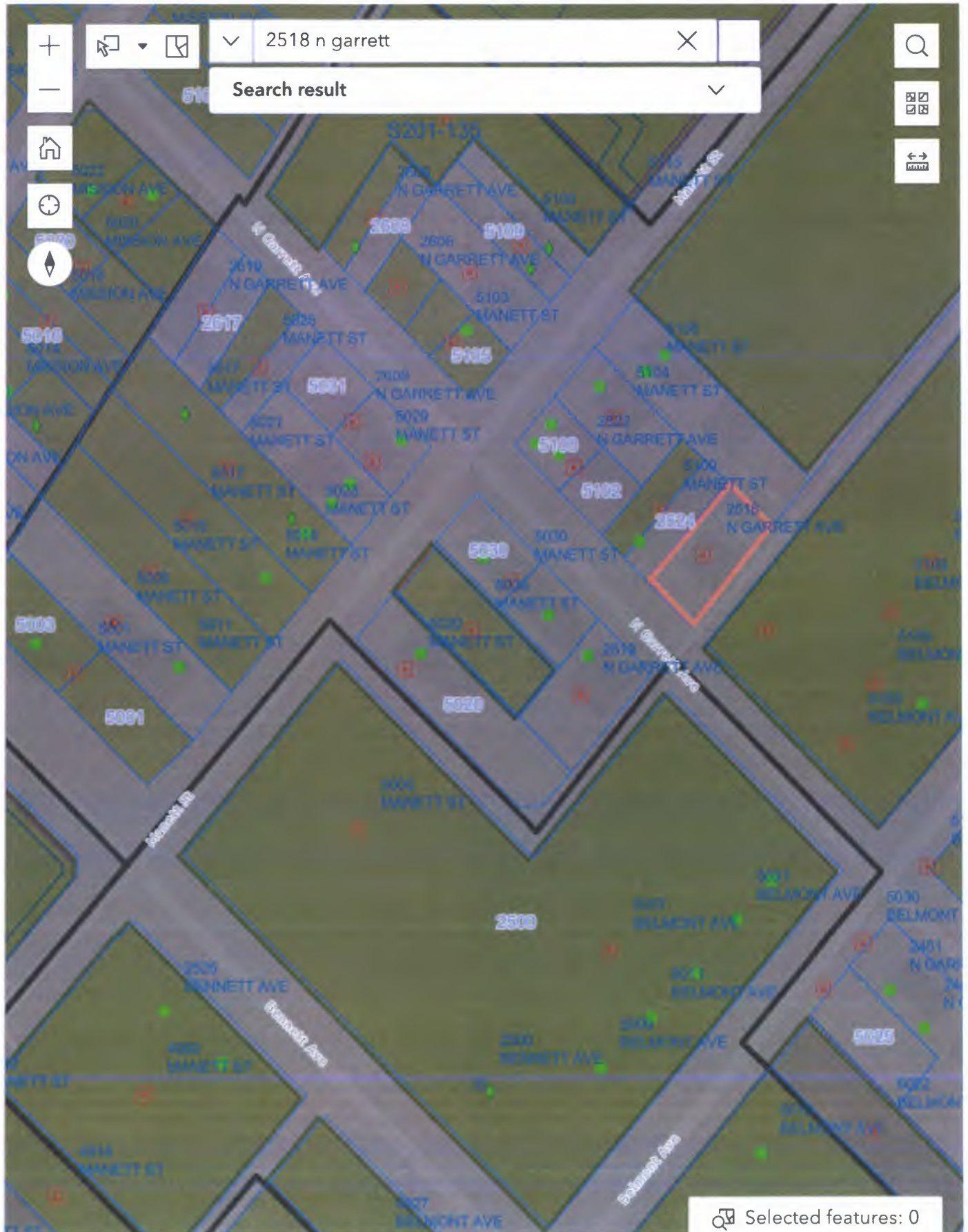
Subscribed and sworn to before me this 14th day of June, 2023

Commission expires on 5/2/26





PDA 223-108



SHIPPED DATE: 5-2-90 RECEIVED DATE: 7-1-90

CITY OF DALLAS PLAT BOOKS

ANNEXED _____ ORD. NO. _____ ADDITION _____
SURVEY J. GRIGSBY ABST. 495

BLOCKS 1991, 1992, 1993, 1994, 1995, 1996

SCALE 100 FT. EQUALS 1 INCH

PHA 15-1

SCHOOL DISTRICT DALLAS



EDA223-108



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2518 N GARRETT AVE
DALLAS, TEXAS 75206

REVISION SCHEDULE

REV. #	NAME	DATE

PROGRESS DOCUMENT

SITE PLAN

DATE: 2023.10.05
DRAWN BY: JJG
CHECKED BY: JJG
SCALE: AS INDICATED ON 22x34

UNIT C - SQUARE FOOTAGE

AREAS	SQUARE FEET
1ST FLOOR	362
2ND FLOOR	710
3RD FLOOR	719
MECHANICAL ROOM	279
TOTAL	2070
2 CAR GARAGE	345
ROOF DECK	441
TOTAL	786
TOTAL DESIGN AREA	2856
TOTAL UNDER ROOF	2415

UNIT B - SQUARE FOOTAGE

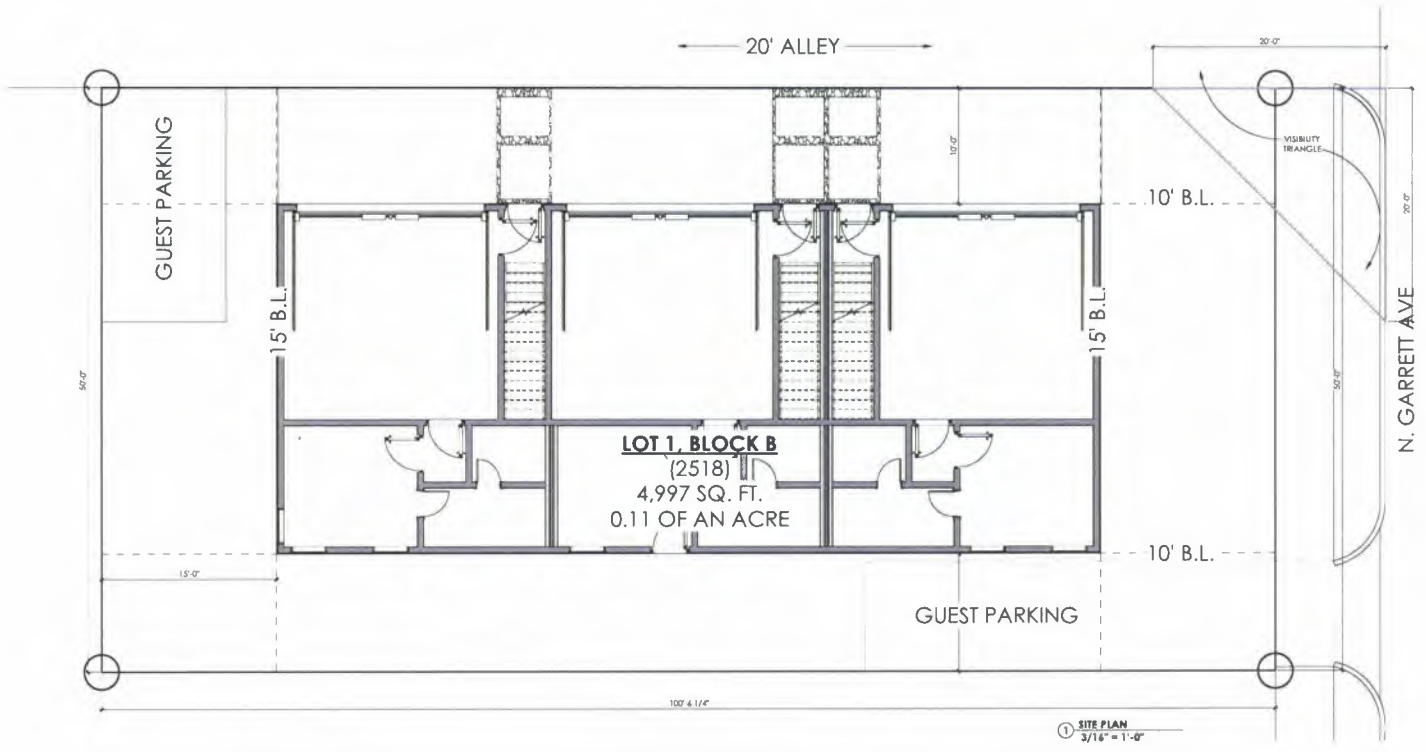
AREAS	SQUARE FEET
1ST FLOOR	359
2ND FLOOR	715
3RD FLOOR	713
MECHANICAL ROOM	765
TOTAL	2552
2 CAR GARAGE	345
ROOF DECK	426
TOTAL	771
TOTAL DESIGN AREA	2823
TOTAL UNDER ROOF	2297

UNIT A - SQUARE FOOTAGE

AREAS	SQUARE FEET
1ST FLOOR	340
2ND FLOOR	712
3RD FLOOR	736
MECHANICAL ROOM	765
TOTAL	2553
COYD FRONT PORCH	150
2 CAR GARAGE	345
2ND FLOOR BALCONY	150
3RD FLOOR BALCONY	150
ROOF DECK	441
TOTAL	1236
TOTAL DESIGN AREA	3299
TOTAL UNDER ROOF	2858

COVERAGE PER LOT

LOT AREA	4997
COVERAGE	2265
PERCENT COVERED	45%



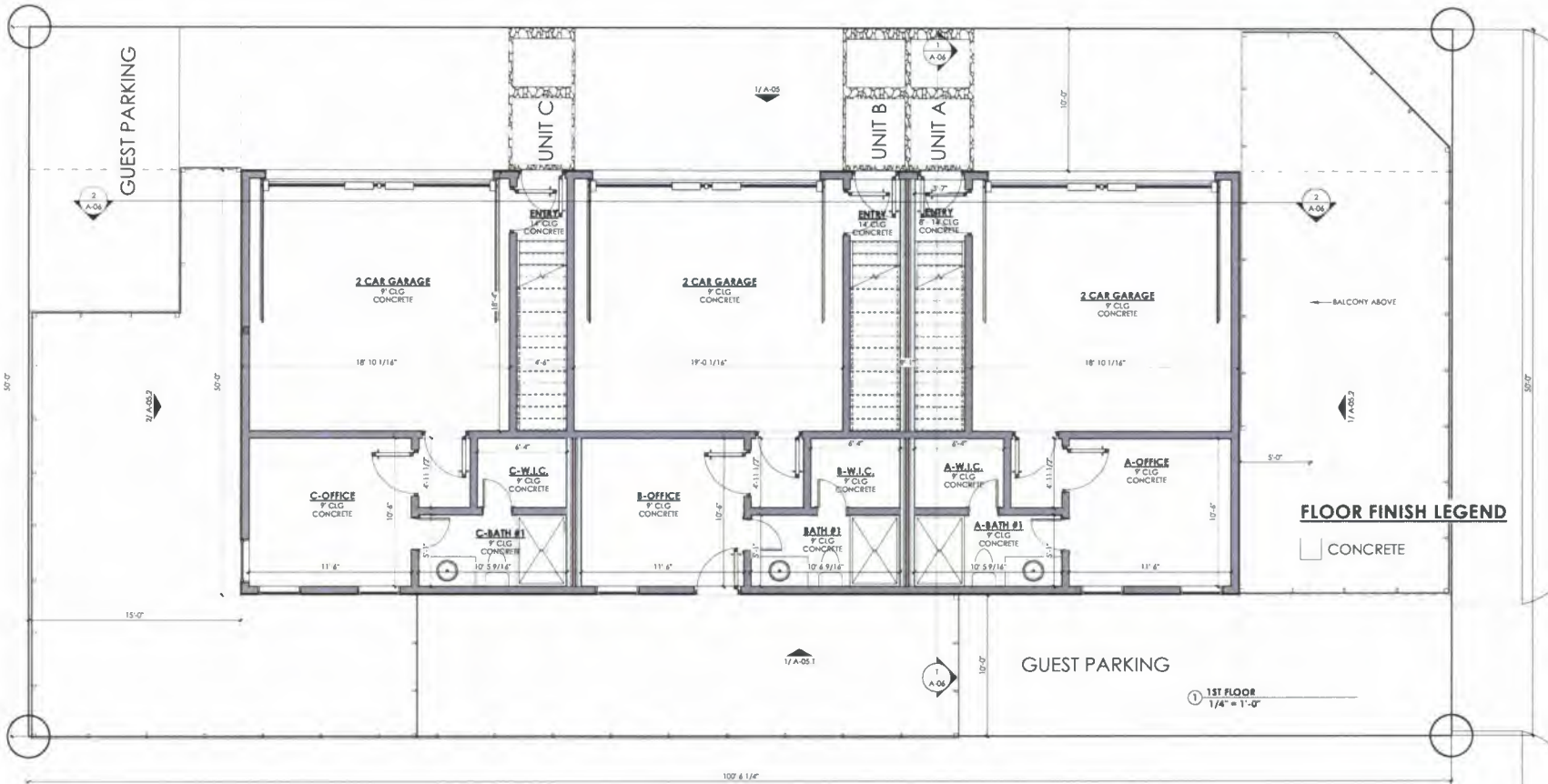
1 SITE PLAN
3/16" = 1'-0"

BDA223-108

UNIT C - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	342
2ND FLOOR	710
3RD FLOOR	719
MECHANICAL ROOM	279
TOTAL	2070
2 CAR GARAGE	345
ROOF DECK	441
TOTAL	786
TOTAL DESIGN AREA	2856
TOTAL UNDER ROOF	2415

UNIT B - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	359
2ND FLOOR	715
3RD FLOOR	713
MECHANICAL ROOM	265
TOTAL	2052
2 CAR GARAGE	345
ROOF DECK	426
TOTAL	771
TOTAL DESIGN AREA	2823
TOTAL UNDER ROOF	2397

UNIT A - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	360
2ND FLOOR	712
3RD FLOOR	724
MECHANICAL ROOM	265
TOTAL	2063
COVD FRONT PORCH	150
2 CAR GARAGE	345
2ND FLOOR BALCONY	150
3RD FLOOR BALCONY	150
ROOF DECK	441
TOTAL	1236
TOTAL DESIGN AREA	3799
TOTAL UNDER ROOF	2658



COVERAGE PER LOT		
LOT AREA	4997	
COVERAGE	2265	
PERCENT COVERED	45%	



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2518 N GARRETT AVE
DALLAS, TEXAS 75206

REVISION SCHEDULE

REV. #	NAME	DATE

PROGRESS DOCUMENT

1ST FLOOR PLAN

DATE: 2023.10.05
DRAWN BY: JJG
CHECKED BY: JJG

A-01
SCALE: AS INDICATED ON 22034

BDA223-108



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CLIENT: BOYA

**2518 N GARRETT AVE
DALLAS, TEXAS 75206**

REVISION SCHEDULE

REV #	NAME	DATE

PROGRESS DOCUMENT

2ND FLOOR PLAN

DATE: 2023.10.05
DRAWN BY: JJG
CHECKED BY: JJG

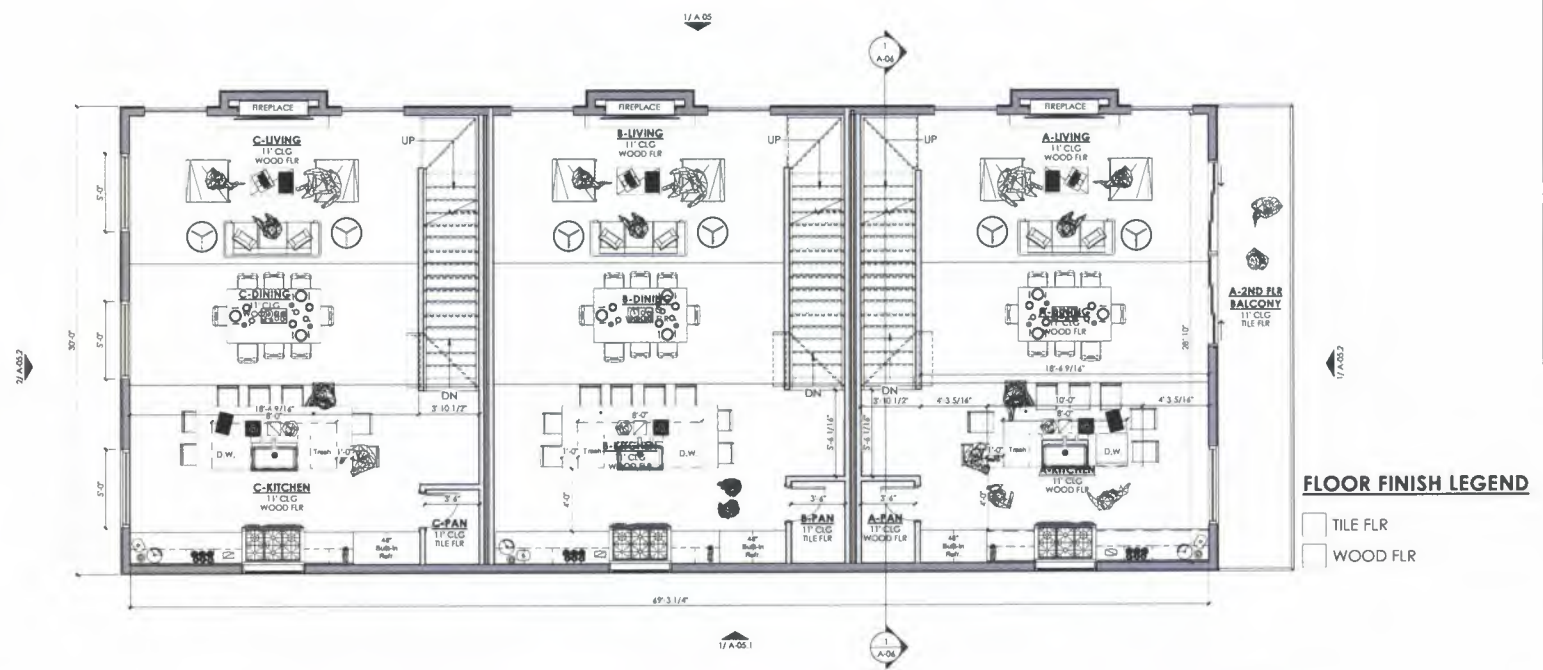
A-02

SCALE: AS INDICATED ON 2204

UNIT C - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	347
2ND FLOOR	710
3RD FLOOR	719
MECHANICAL ROOM	779
TOTAL	2070
2 CAR GARAGE	345
ROOF DECK	441
TOTAL	786
TOTAL DESIGN AREA	3856
TOTAL UNDER ROOF	7415

UNIT B - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	359
2ND FLOOR	715
3RD FLOOR	713
MECHANICAL ROOM	745
TOTAL	2052
2 CAR GARAGE	345
ROOF DECK	426
TOTAL	771
TOTAL DESIGN AREA	2823
TOTAL UNDER ROOF	2397

UNIT A - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	340
2ND FLOOR	712
3RD FLOOR	726
MECHANICAL ROOM	265
TOTAL	2063
COVD FRONT PORCH	150
2 CAR GARAGE	345
2ND FLOOR BALCONY	150
3RD FLOOR BALCONY	150
ROOF DECK	441
TOTAL	1236
TOTAL DESIGN AREA	3299
TOTAL UNDER ROOF	2858



FLOOR FINISH LEGEND

- TILE FLR
- WOOD FLR

2ND FLOOR
1/4" = 1'-0"

COVERAGE PER LOT	
LOT AREA	4997
COVERAGE	2245
PERCENT COVERED	45%

BDA223-108



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CLIENT: JACOB TOYOTA

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**2518 N GARRETT AVE
DALLAS, TEXAS 75206**

REVISION SCHEDULE

REV #	NAME	DATE

PROGRESS DOCUMENT

3RD FLOOR PLAN

DATE: 2023.10.05
DRAWN BY: JJC
CHECKED BY: JJC

A-03

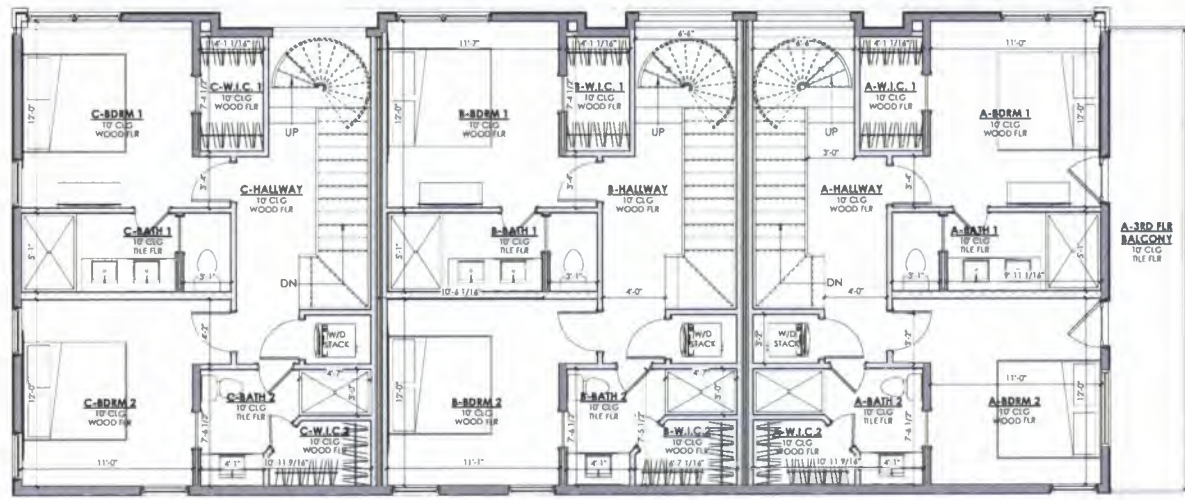
SCALE: AS INDICATED ON 2204

UNIT C - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	367
2ND FLOOR	710
3RD FLOOR	719
MECHANICAL ROOM	279
TOTAL	2070
2 CAR GARAGE	345
ROOF DECK	441
TOTAL	786
TOTAL DESIGN AREA	2856
TOTAL UNDER ROOF	2415

UNIT B - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	359
2ND FLOOR	715
3RD FLOOR	713
MECHANICAL ROOM	265
TOTAL	2052
2 CAR GARAGE	345
ROOF DECK	478
TOTAL	771
TOTAL DESIGN AREA	2823
TOTAL UNDER ROOF	2397

UNIT A - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	360
2ND FLOOR	712
3RD FLOOR	738
MECHANICAL ROOM	265
TOTAL	2063
COVID FRONT PORCH	150
2 CAR GARAGE	345
2ND FLOOR BALCONY	150
3RD FLOOR BALCONY	150
ROOF DECK	441
TOTAL	1236
TOTAL DESIGN AREA	3299
TOTAL UNDER ROOF	2858

1/4"=0'-0"



1/4"=0'-0"

① 3RD FLOOR
1/4" = 1'-0"

FLOOR FINISH LEGEND

- TILE FLR
- WOOD FLR

COVERAGE PER LOT	
LOT AREA	4997
COVERAGE	2245
PERCENT COVERED	45%



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**2518 N GARRETT AVE
DALLAS, TEXAS 75206**

REVISION SCHEDULE

REV. #	NAME	DATE

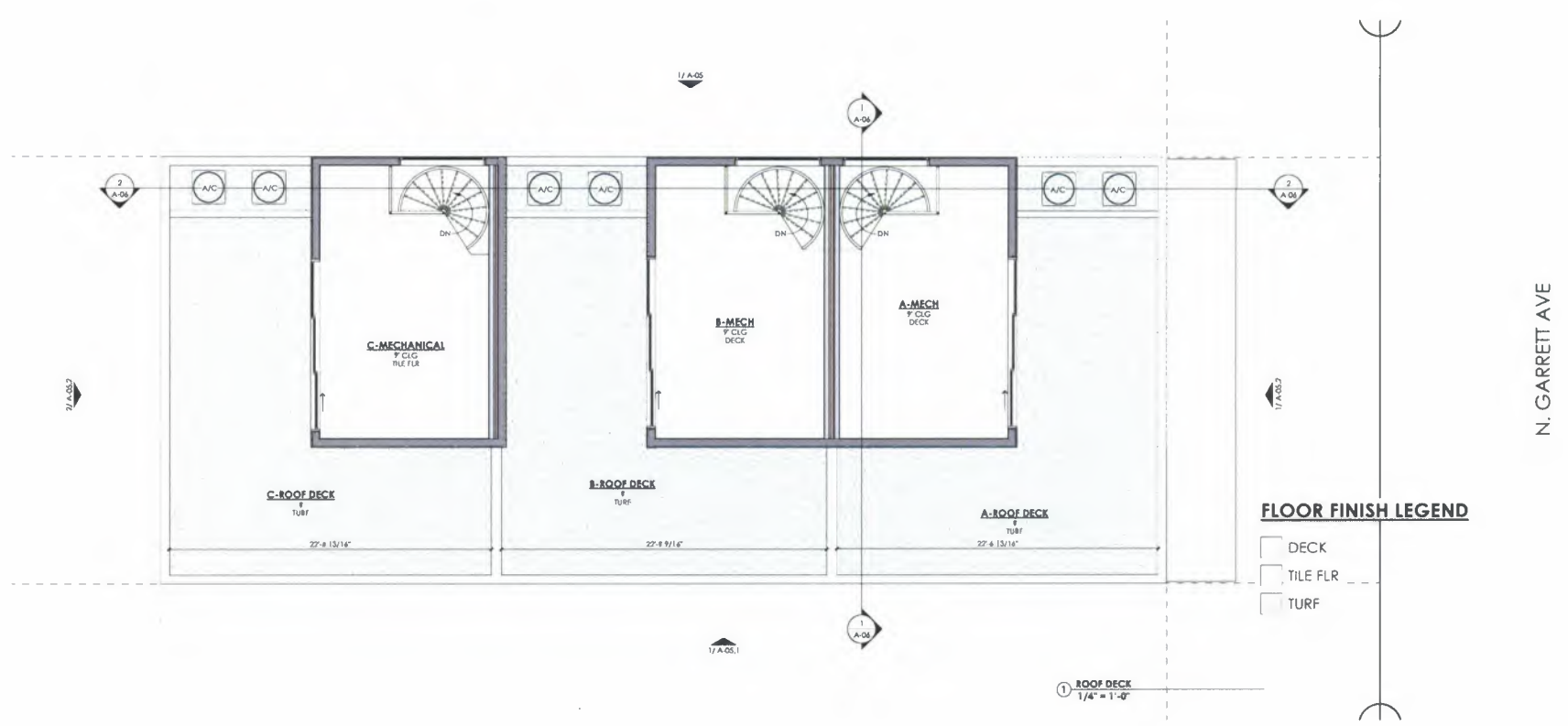
PROGRESS DOCUMENT

ROOF DECK PLAN

DATE: 2023.10.05
DRAWN BY: JJG
CHECKED BY: JJG

A-04

SCALE: AS INDICATED ON 22034



N. GARRETT AVE

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CLIENT: JACOBY

2518 N GARRETT AVE
DALLAS, TEXAS 75206

REVISION SCHEDULE

REV. #	NAME	DATE

PROGRESS DOCUMENT

ELEVATIONS

DATE: 2023.10.05
DRAWN BY: JJG
CHECKED BY: JJG

A-05

SCALE: AS INDICATED ON 22034



① Elevation 1 - A
1/4" = 1'-0"

BDA223-108

REFERENCE

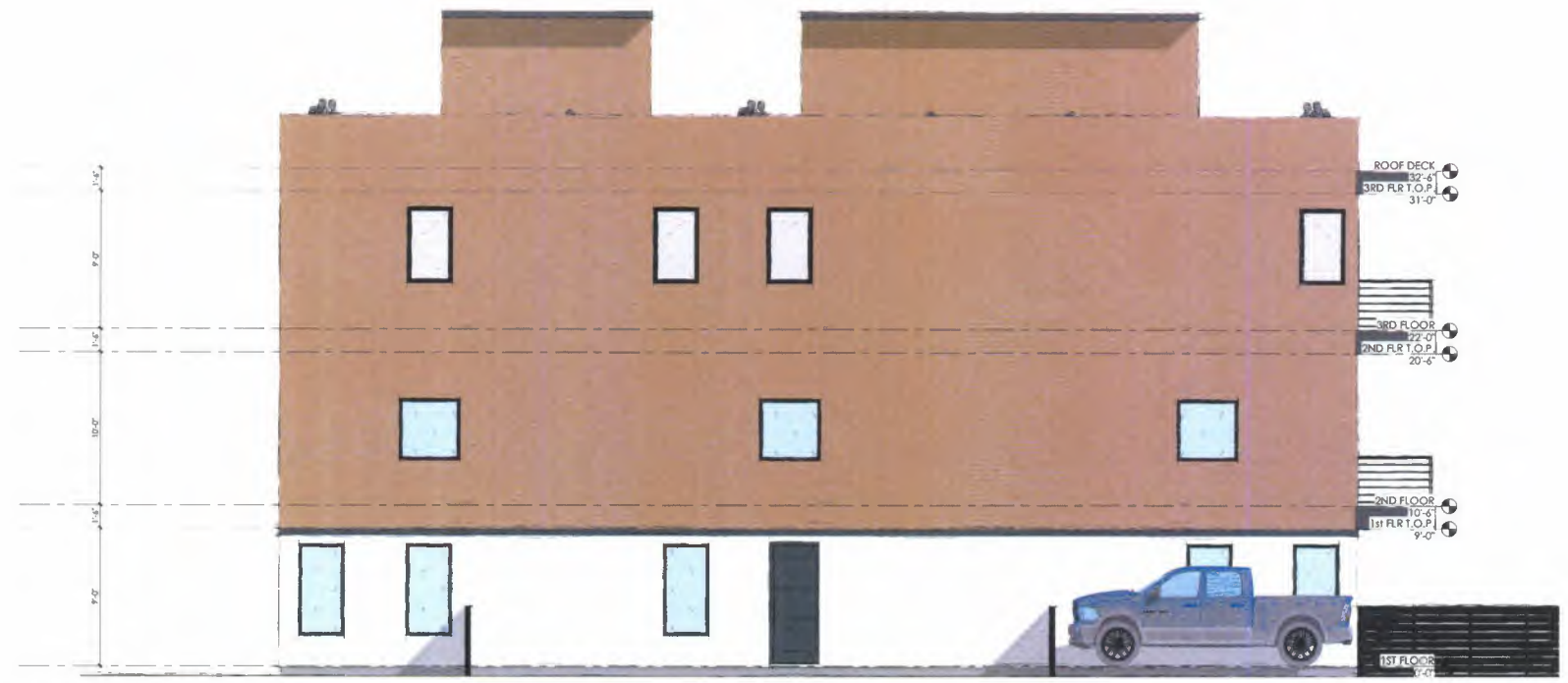


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CLIENT: JGD TOYA



1 Elevation 4 - A
1/4" = 1'-0"

2518 N GARRETT AVE
DALLAS, TEXAS 75206

REVISION SCHEDULE

REV. #	NAME	DATE

PROGRESS DOCUMENT

ELEVATIONS

DATE	2023.10.05
DRAWN BY	JJG
CHECKED BY	JJG
A-05.1	
SCALE	AS INDICATED ON 22034

REFERENCE



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CLIENT: BOA223-108

2518 N GARRETT AVE
DALLAS, TEXAS 75206

REVISION SCHEDULE

REV #	NAME	DATE

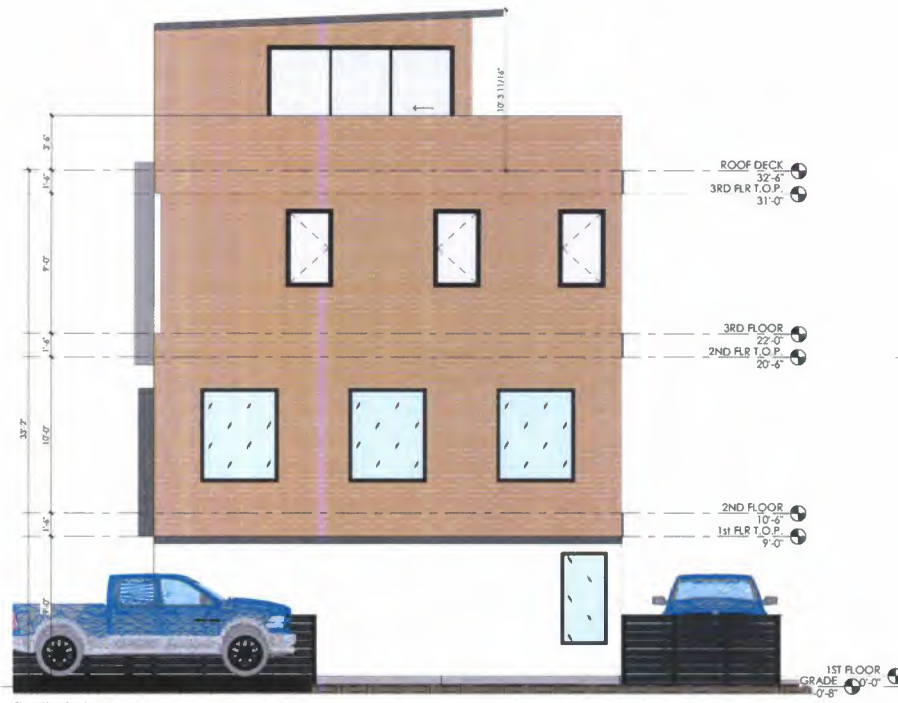
PROGRESS DOCUMENT

ELEVATIONS

DATE: 2023.10.05
DRAWN BY: JJG
CHECKED BY: JJG

A-05.2

SCALE: AS INDICATED ON 22034



② Elevation 3 - A
1/4" = 1'-0"



① Elevation 2 - A
1/4" = 1'-0"

REFERENCE



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2518 N GARRETT AVE
DALLAS, TEXAS 75206

REVISION SCHEDULE

REV. #	NAME	DATE

PROGRESS DOCUMENT

SECTIONS & DETAILS

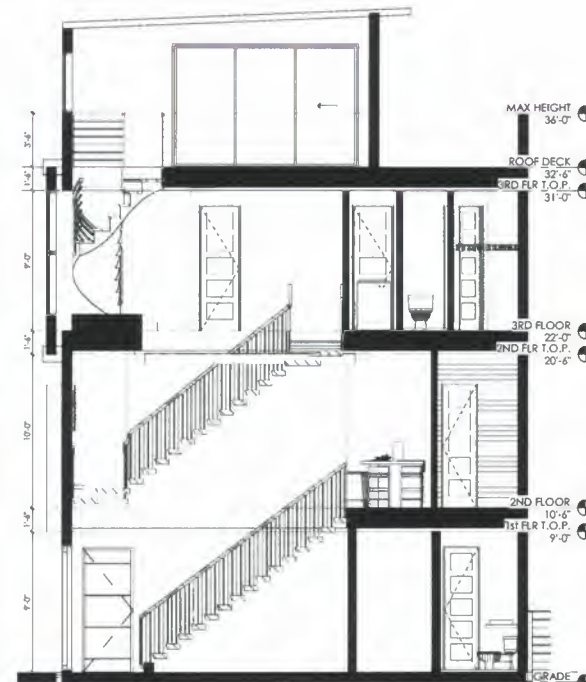
DATE: 2023.10.05
DRAWN BY: JJG
CHECKED BY: JJG

A-06

SCALE: AS INDICATED ON 22034



SECTION B
1/4" = 1'-0"



SECTION A
1/4" = 1'-0"

REFERENCE



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CLIENT
SOTOYA

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REVISION SCHEDULE

REV. #	NAME	DATE

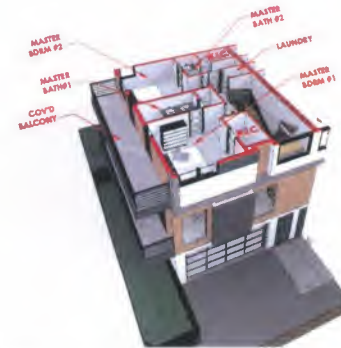
PROGRESS DOCUMENT

3D FLOOR PLANS

DATE	2023.10.05
DRAWN BY	JIG
CHECKED BY	JIG
SCALE	A-08
	AS INDICATED ON: 22x34



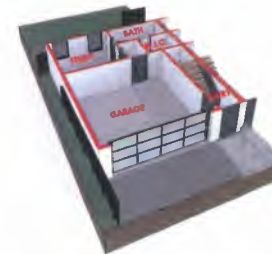
④ 3D - ROOFTOP DECK PLAN



③ 3D - 3RD FLOOR PLAN



② 3D - 2ND FLOOR PLAN



① 3D - 1ST FLOOR PLAN

REFERENCE



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CLIENT: JACOB ROY

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2518 N GARRETT AVE
DALLAS, TEXAS 75206

REVISION SCHEDULE

REV #	NAME	DATE

3D VIEWS

DATE: 2023.10.05
DRAWN BY: JJG
CHECKED BY: JJG
A-09
SCALE: AS INDICATED ON DRAWING

PROGRESS DOCUMENT



3 NORTHEAST 3D VIEW



2 SOUTHWEST 3D VIEW 2



1 EAST 3D VIEW



③ 3RD FLOOR
1/8" = 1'-0"

AREA LEGEND

- A-3RD FLOOR
- A-3RD FLOOR BALCONY
- B-3RD FLOOR
- C-3RD FLOOR



② 2ND FLOOR
1/8" = 1'-0"

AREA LEGEND

- A-2ND FLR
- A-2ND FLR BALCONY
- B-2ND FLR
- C-2ND FLR

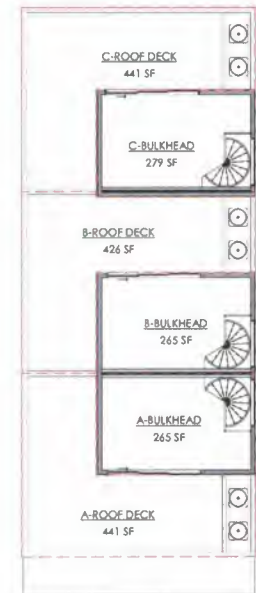
REFERENCE

UNIT C - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	367
2ND FLOOR	710
3RD FLOOR	719
MECHANICAL ROOM	279
TOTAL	2070
2 CAR GARAGE	345
ROOF DECK	441
TOTAL	786
TOTAL DESIGN AREA	2854
TOTAL UNDER ROOF	2415

UNIT B - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	359
2ND FLOOR	715
3RD FLOOR	713
MECHANICAL ROOM	265
TOTAL	2052
2 CAR GARAGE	345
ROOF DECK	426
TOTAL	771
TOTAL DESIGN AREA	2823
TOTAL UNDER ROOF	2397

UNIT A - SQUARE FOOTAGE	
AREAS	SQUARE FEET
1ST FLOOR	340
2ND FLOOR	712
3RD FLOOR	726
MECHANICAL ROOM	265
TOTAL	2063
COVID FRONT PORCH	150
2 CAR GARAGE	345
2ND FLOOR BALCONY	150
3RD FLOOR BALCONY	150
ROOF DECK	441
TOTAL	1234
TOTAL DESIGN AREA	3299
TOTAL UNDER ROOF	2658

COVERAGE PER LOT	
LOT AREA	4997
COVERAGE	2345
PERCENT COVERED	45%



④ ROOF DECK
1/8" = 1'-0"

AREA LEGEND

- A-BULKHEAD
- A-ROOF DECK
- B-BULKHEAD
- B-ROOF DECK
- C-BULKHEAD
- C-ROOF DECK



① 1ST FLOOR
3/32" = 1'-0"

AREA LEGEND

- A-1ST FLR
- A-2 CAR GARAGE
- A-COVID FRONT PORCH
- A-DRIVE
- B-1ST FLR
- B-2 CAR GARAGE
- B-DRIVE
- C-1ST FLR
- C-2 CAR GARAGE
- C-DRIVE



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CLIENT: JGD DESIGN

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REVISION SCHEDULE

REV #	NAME	DATE

PROGRESS DOCUMENT

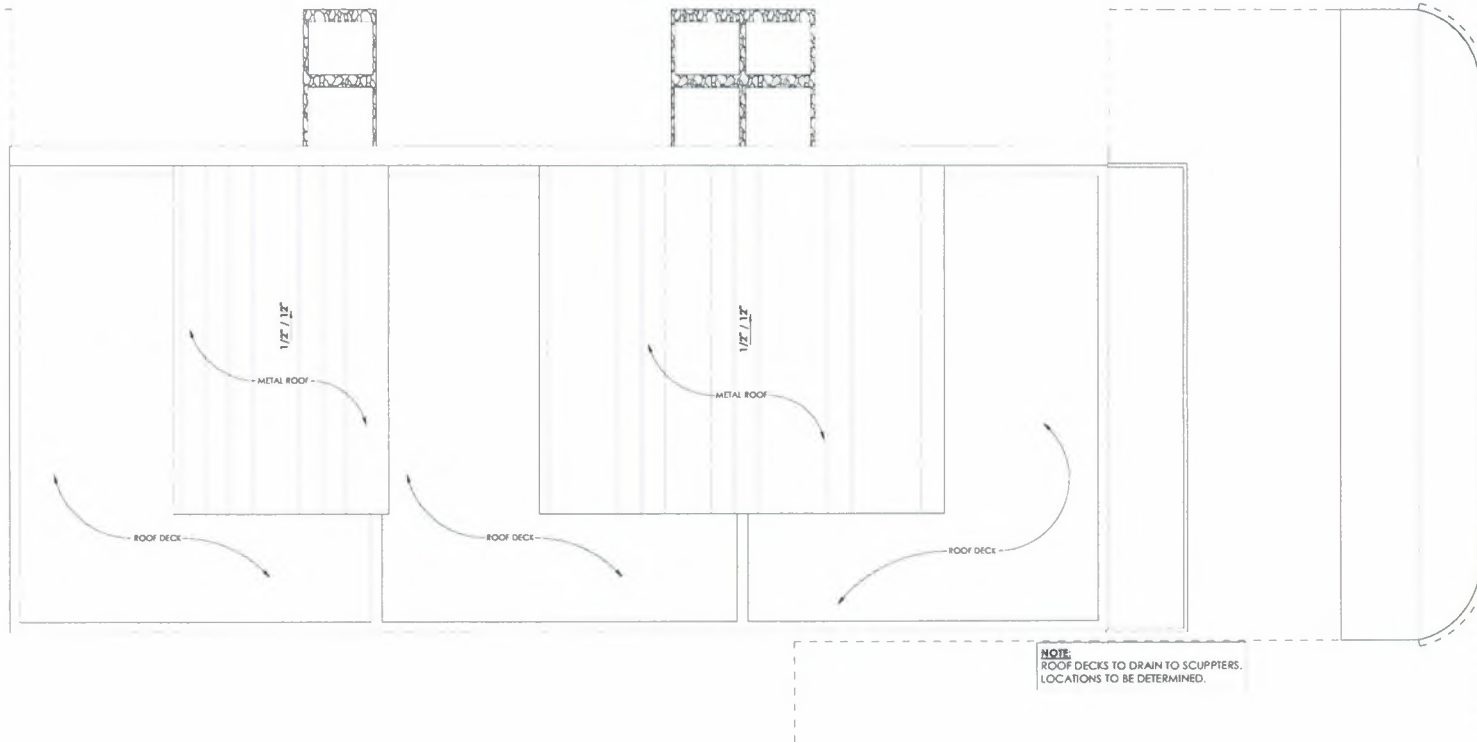
AREA PLANS

DATE	2023.10.05
DRAWN BY	JJG
CHECKED BY	JJG

A-10
SCALE AS INDICATED ON 2204

BOA-223-108

REFERENCE



NOTE:
ROOF DECKS TO DRAIN TO SCUPPERS.
LOCATIONS TO BE DETERMINED.

① ROOF PLAN
1/4" = 1'-0"



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2518 N GARRETT AVE
DALLAS, TEXAS 75206

REVISION SCHEDULE

REV #	NAME	DATE

PROGRESS DOCUMENT

ROOF PLAN

DATE: 2023.10.05
 DRAWN BY: J.J.G.
 CHECKED BY: J.J.G.

A-11

SCALE: AS INDICATED ON 22034

FILE NUMBER: BDA223-109 (DB)

BUILDING OFFICIAL'S REPORT: Application of Juan Lopez for (1) a variance to the front-yard setback regulations at 3919 Furey St. This property is more fully described as Block 17/7146, Lot 1, and is zoned R-5(A), which requires a front yard setback of 20-feet. The applicant proposes to construct a single-family residential structure and provide a 5-foot front yard setback, which will require a (1) 15-foot variance to the front-yard setback regulations.

LOCATION: 3919 Furey

APPLICANT: Juan Lopez

REQUEST:

(1) A request for a 15-foot variance to the front-yard setback regulations.

STANDARD 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 front yard setback:

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. Subject lot is **restrictive in shape** and area due to the triangular configuration and the double frontage; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. **Not a self-created** or personal hardship.

BDA HISTORY:

No BDA history within the last 5 years.

Square Footage:

This lot contains 5212 square feet.

This lot is zoned R5(A) which has an average area of 5,000 square feet.

Zoning:

Site: R-5(A) Single-family
North: R-5(A) Single-family
South: R-5(A) Single-family
East: R-5(A) Single-family
West: R-5(A) Single-family

Land Use:

The subject site is currently undeveloped with a proposed single-family development. The areas to the north, south, east, and west contain single-family uses as well as undeveloped land.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 15-feet is made to construct and/or maintain a single-family residential structure.
- The applicant proposes to construct a single-family residential structure and provide a front yard setback of 5-feet.
- The Dallas Development Code requires a 20-foot setback for required front yards in the R-5(A) zoning district.
- It is imperative to note that the subject property has a triangular configuration and must provide a 20-foot front yard setback on both street frontages which limits the buildable area; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in 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.

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

- 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.
- 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.
- Granting the proposed 15-foot variance to the front yard setback regulation with a condition that the applicant complies with the most recently submitted plans, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

- October 5, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 26, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- October 26, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the November 20, 2023, deadline to submit additional evidence for staff to factor into their analysis; and December 1, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 22, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

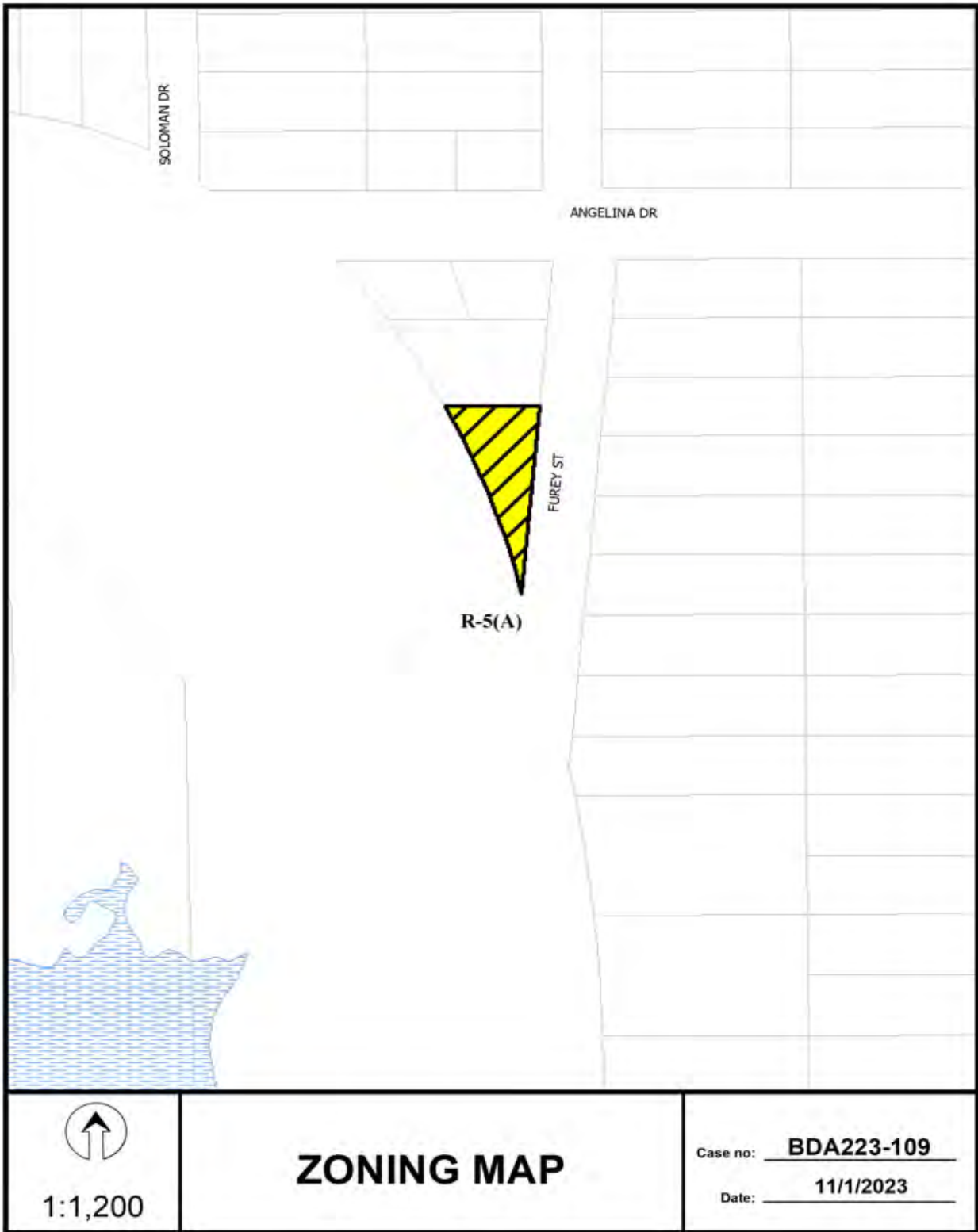


1:1,200

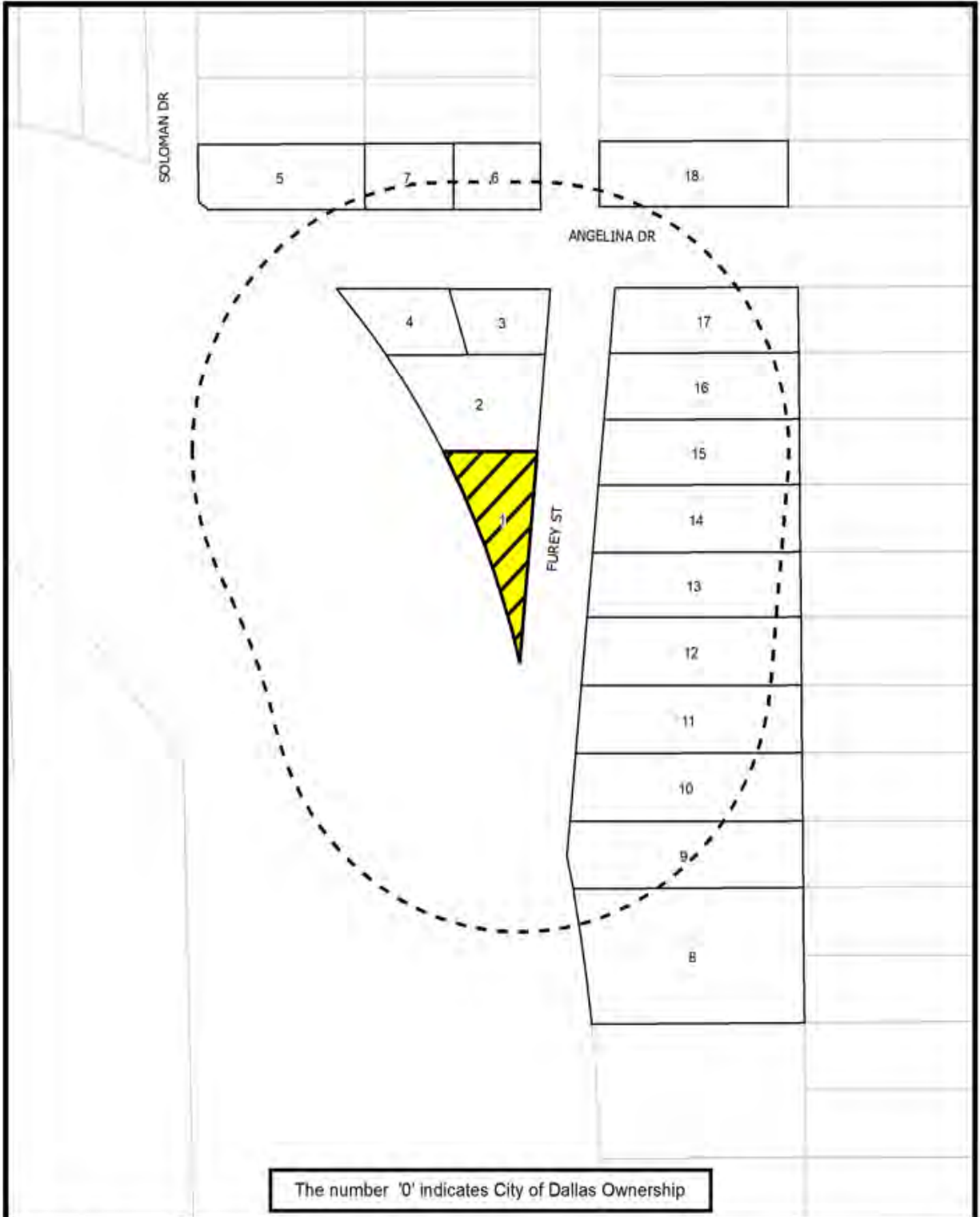
AERIAL MAP

Case no: BDA223-109

Date: 11/1/2023



<https://youtu.be/PDjImgtVDi8>



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA223-109</u> Date: <u>11/1/2023</u>
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					

11/01/2023

Notification List of Property Owners

BDA223-109

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3919 FUREY ST	LOPEZ JUAN
2	3925 FUREY ST	RIVERA IVAN
3	3931 FUREY ST	MORENO RUBEN IGNACIO &
4	3519 BERNAL DR	PENA JOSE
5	4002 SOLOMAN DR	TTBI LLC
6	4003 FUREY ST	ORANTES CECILIA GUADALUPE
7	3511 ANGELINA DR	BARRERASOLIS RAUL
8	3463 BERNAL DR	WARD EDNA E DAVIS LIFE ESTATE
9	3902 FUREY ST	WHITE MAXINE EST OF
10	3906 FUREY ST	GALVAN JUAN & YOLANDA
11	3910 FUREY ST	GALVAN JUAN & YOLANDA
12	3914 FUREY ST	LOPEZ MINERVA
13	3918 FUREY ST	PHAM THU T &
14	3922 FUREY ST	GARCIA ROCIO
15	3926 FUREY ST	MANLEY CYNTHIA YVONNE &
16	3930 FUREY ST	MARTINEZ AURELIO &
17	3934 FUREY ST	Taxpayer at
18	4002 FUREY ST	ALVARADO BRENDA



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223709 RECEIVED
FOR OFFICE USE ONLY
OCT 05 2023
BR-5(A)

Data Relative to Subject Property: In review - residential referral Date: _____

Location address: 3919 FUREY ST.

Zoning District: SF BR-5(A)

Lot No.: 1 Block No.: 17/1146 Acreage: .119 Census Tract: _____

Street Frontage (in Feet): 1) 157 2) 74 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): JUAN LOPEZ

Applicant: JUAN LOPEZ

Telephone: 469-245-2688

Mailing Address: 2207 LANGDON AVE

Zip Code: 75235

E-mail Address: JLO2207@YAHOO.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of Requesting 15' variance to front yard

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:

REAL SETBACK 5' NOT 20'

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 Juan Lopez

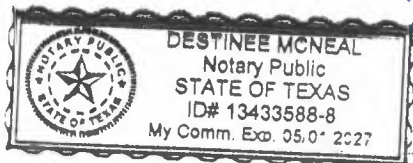
(Affiant/Applicant's name printed)

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: Juan Lopez
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 7 day of August, 2023

Destinee McNeal
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

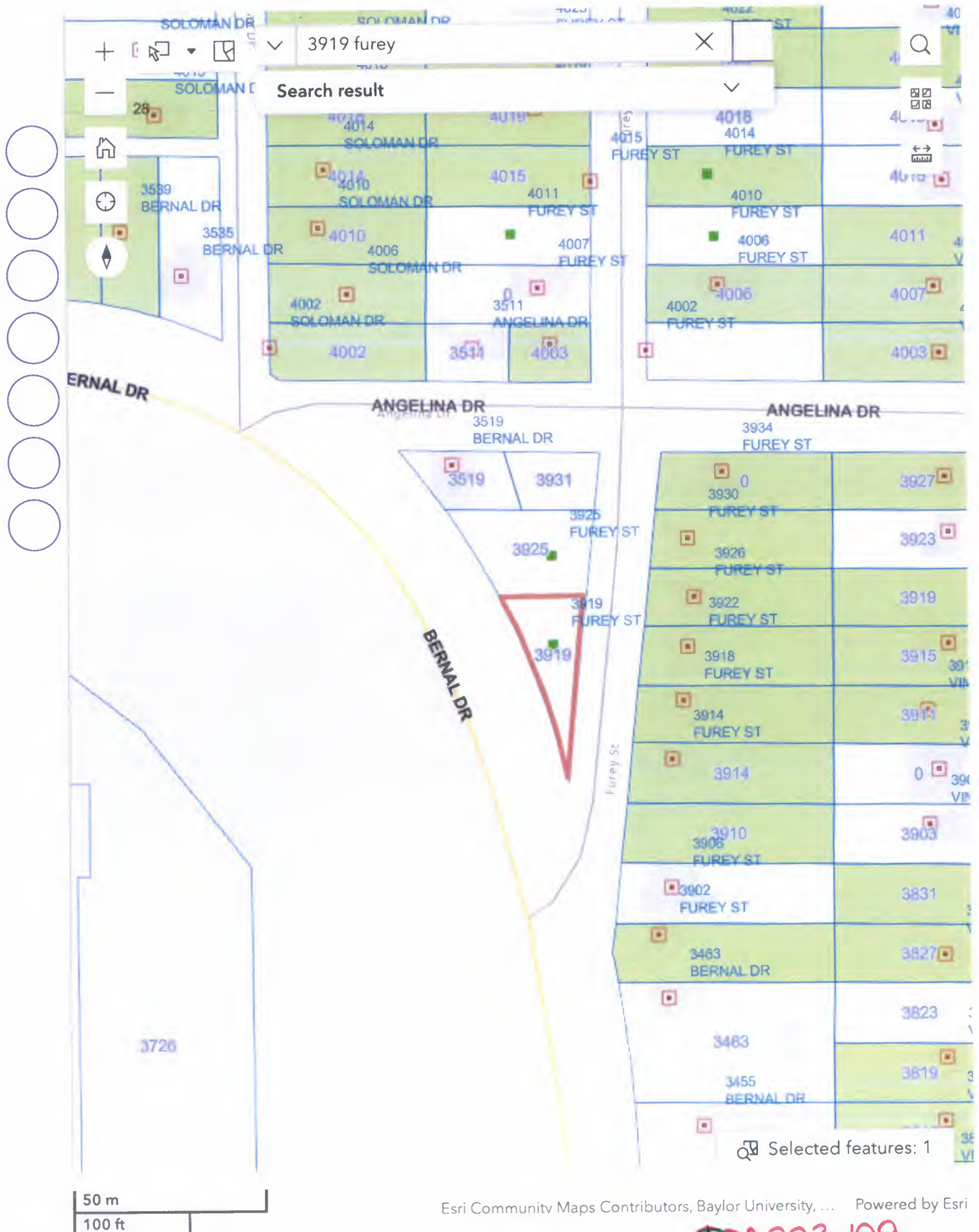
I hereby certify that JUAN LOPEZ

did submit a request for (1) a variance to the front yard setback regulations
at 3919 Furey St

BDA223-109(DB) Application of Juan Lopez for (1) a variance to the front-yard setback regulations at 3919 Furey St. This property is more fully described as Block 17/7146, Lot 1, and is zoned R-5(A), which requires a front yard setback of 20-feet. The applicant proposes to construct a single-family residential structure and provide a 5-foot front yard setback, which will require a (1) 15-foot variance to the front-yard setback regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



BDA223-109

RECEIVED DATE 1-10-96

CITY OF DALLAS PLAT BOOKS

ANNEXED DEC 30, 1952 ORD. NO. 5658

ADDITION WESTMORELAND PARK NO. 3

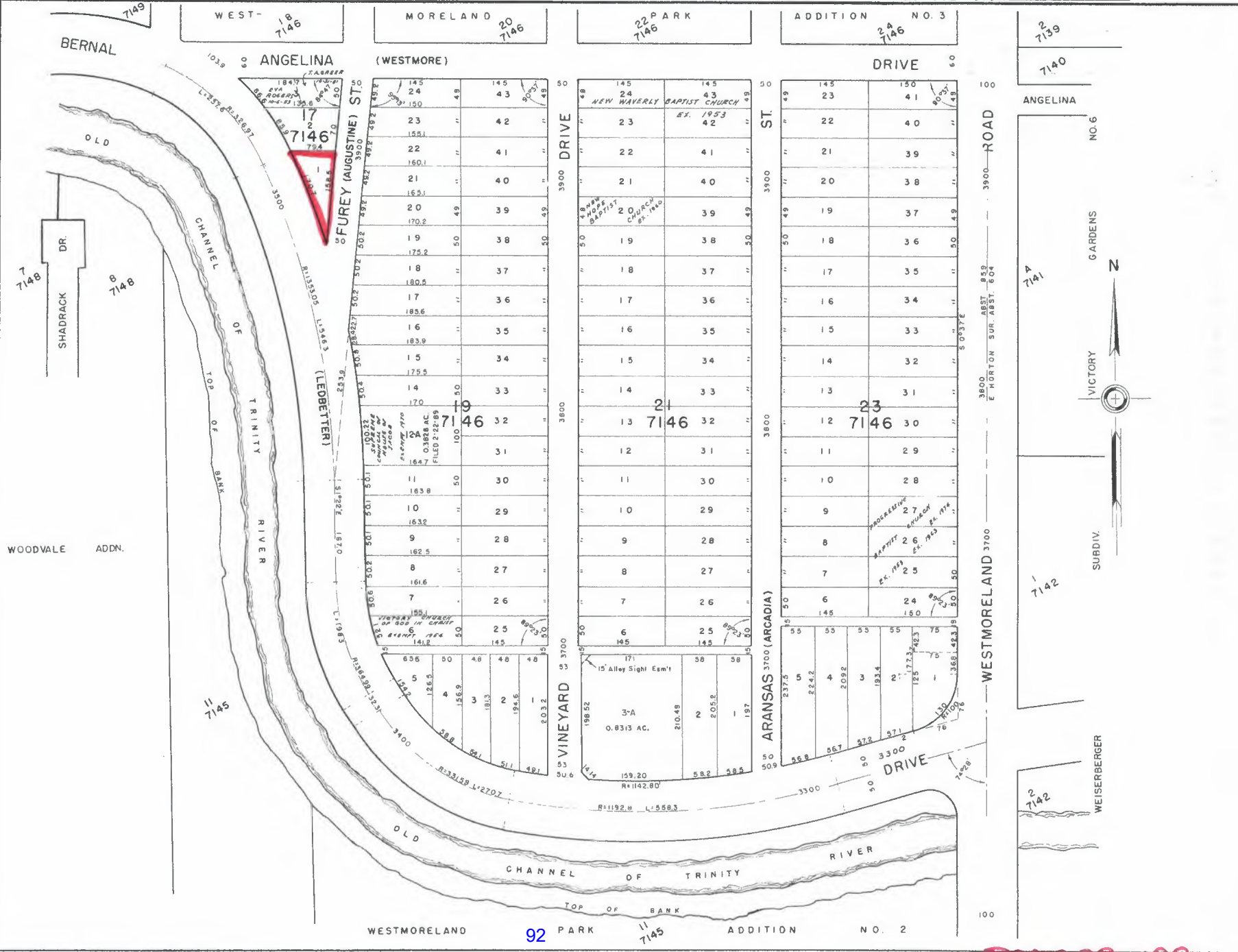
17-19-21-23

BLOCKS 7146

SURVEY W. C. MC GOWAN ABST. 859

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS



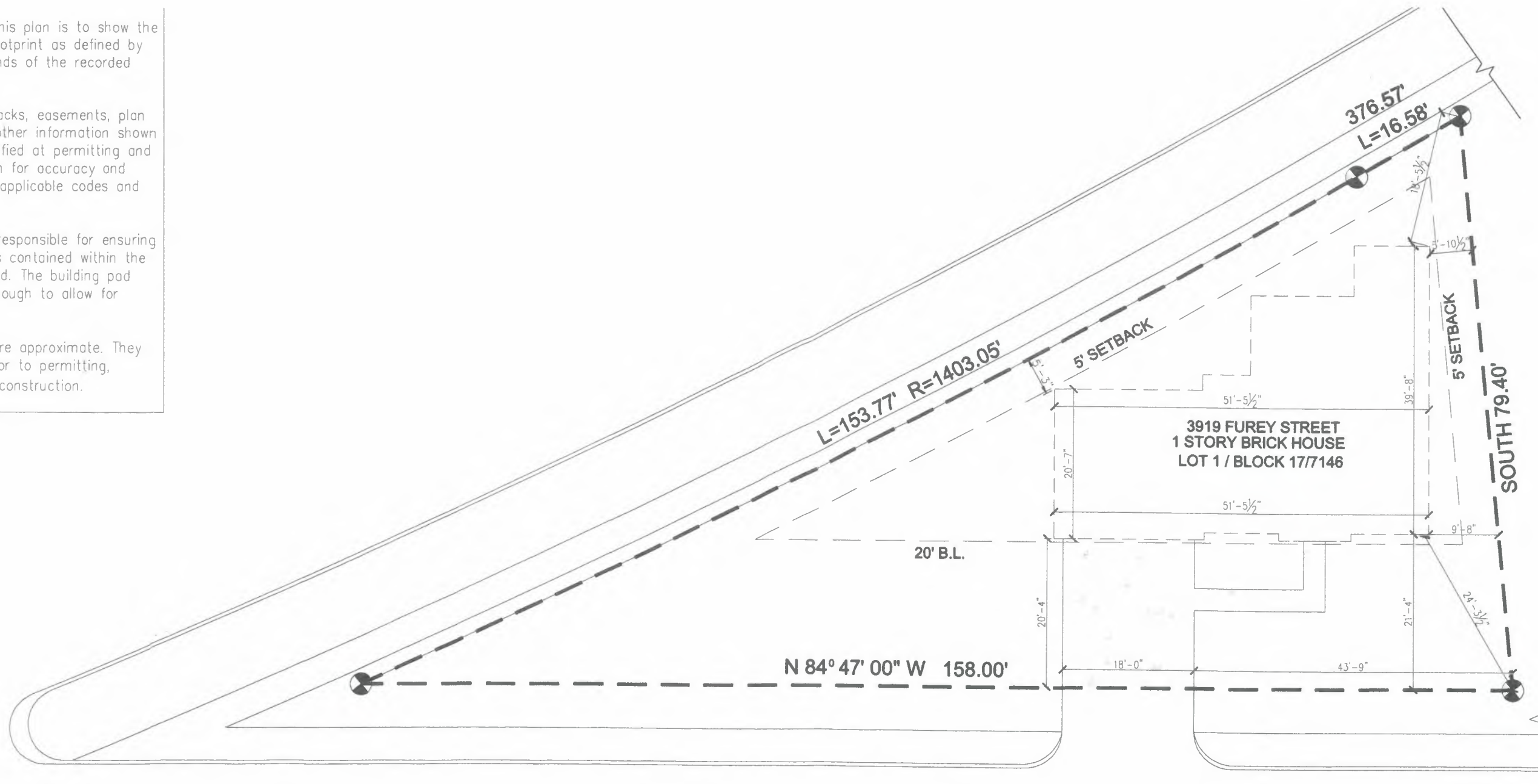
BDA223-109

1. The purpose of this plan is to show the proposed building footprint as defined by the metes and bounds of the recorded plat.

2. Dimensions, setbacks, easements, plan selection, and any other information shown here in shall be verified at permitting and prior to construction for accuracy and compliance with all applicable codes and ordinances.

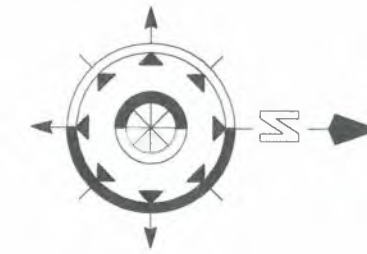
3. Builder is solely responsible for ensuring that the footprint is contained within the prepared building pad. The building pad shall be set high enough to allow for adequate drainage.

4. All calculations are approximate. They must be verified prior to permitting, purchasing, and/or construction.



Legend:

	AC Condensor Location
	Fence
	Lot
	Building Line
	Easement



Site Plan

SCALE:
 1/8" = 1'-0" (22"X34" SHEET)
 1/8" = 2'-0" (11"X17" SHEET)

BDA223-109

DESIGN AND CONSTRUCTION PLANNING
 WWW.sandjdesigns.com
 214-597-1150

No.	Date

**3919 FUREY STREET
 DALLAS, TEXAS
 LOT 1 / BLOCK 17 / 7146
 WEST MORELAND PARK ADDITION**

SITE PLAN	
Project number	S.1
Date	6-13-22
Drawn by	JG
Checked by	SG
Scale	1/8" = 1'-0" (11"X17") 1/4" = 1'-0" (22"X34")

SQUARE FOOTAGE AREAS (BRICK) ELEV "B"

A/C LIVING AREAS	SQ. FT.
FIRST FLOOR LIVING	1003 SF
SECOND FLOOR LIVING	1348 SF
	2351 SF

FOUNDATION SQUARE FOOTAGE

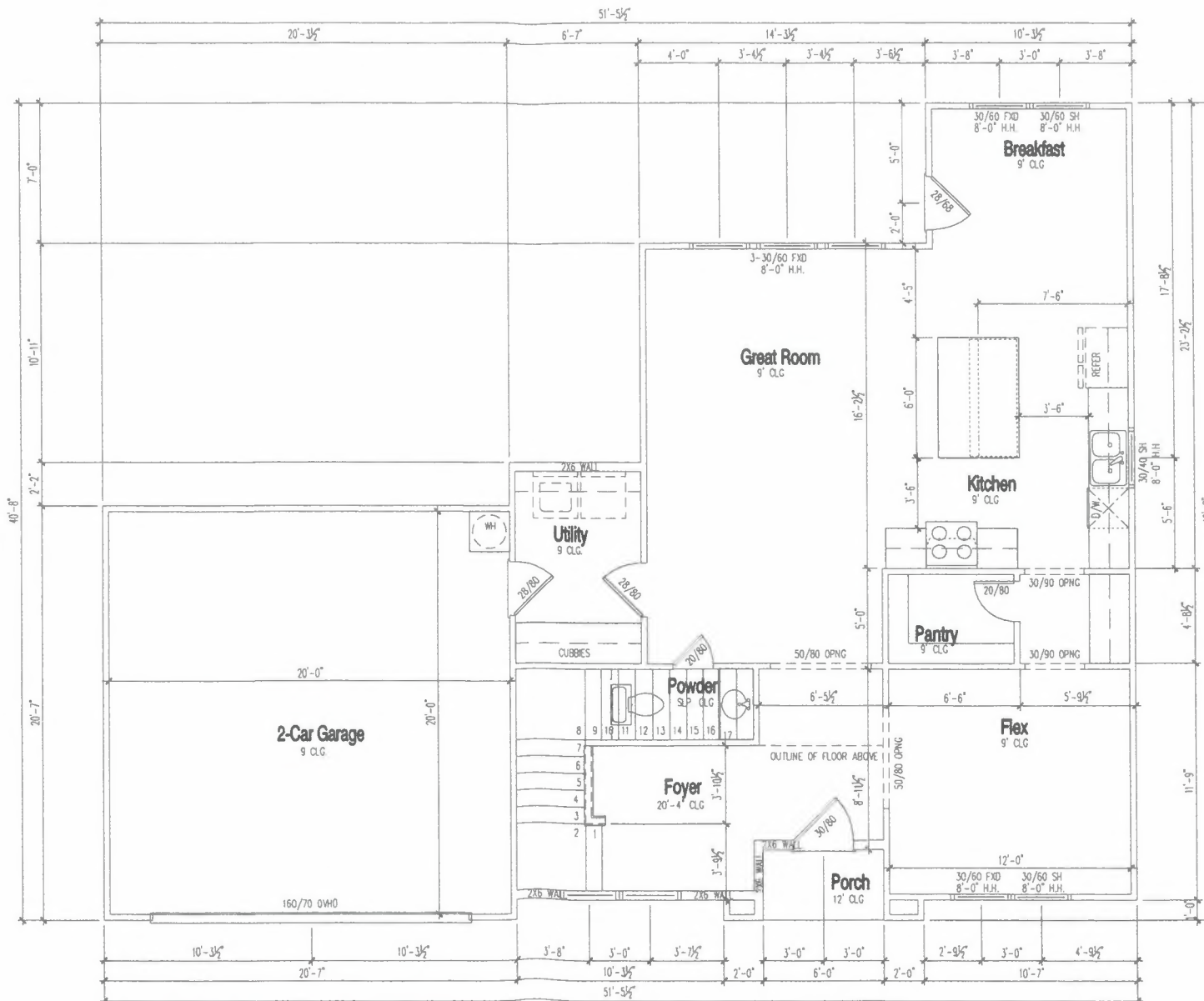
SLAB AREAS	SQ. FT.
2-CAR GARAGE	418 SF
PORCH	25 SF
	443 SF

DOOR SCHEDULE				
TYPE:	COMMENTS	LEFT	RIGHT	PAIR
INT.	20/68 HOLLOW CORE	1	3	4
INT.	28/68 HOLLOW CORE	1	3	
INT.	20/80 HOLLOW CORE	1	3	4
INT.	28/80 HOLLOW CORE	1		
EXT.	28/80 SOLID CORE	1	1	
EXT.	30/80 SOLID CORE	1		
EXT.	16/70 OVERHEAD DOOR	1		

WINDOW SCHEDULE			
QTY	TYPE:	COMMENTS	EGRESS
2	30/16	FIXED GLASS	9.0
2	30/30	FIXED GLASS	18.0
2	20/40	FIXED GLASS	16.0
1	30/40	SINGLE HUNG	12.0
10	30/60	FIXED GLASS	180.0
7	30/60	SINGLE HUNG	126.0
	TOTAL		361.0

- 1 22"x30" ATTIC ACCESS
- 2 WATER HEATER PLATFORM TO BE 3/4" OSB ON 2X6 LEDGER 18" A.F.F. WITH AUX. CATCH PAN DRAINED TO OUTSIDE IF APPLICABLE, OPT. #126 DOOR TO BE 20/50 @ 6'-10" HH.
- 3 ELECTRICAL SUB. PANEL & METER (LOCATION MAY VARY PER CITY CODE)
- 4 36"x36" OR 36"x72" A/C PAD
- 5 MECHANICAL PLATFORM TO BE 3/4" T.G. OSB ON 2X6 LEDGER 26" A.F.F. DOOR TO BE @ 7'-4" HH
- 6 5/8" TYPE X GYPSUM BOARD STAGGER & TAPE JOINTS
- 7 4" DIA. DRYER VENT TO OUTSIDE AIR
- 8 SOLID CORE DOOR TO BE SELF-CLOSING & WEATHERSTRIPPED
- 9 2X6 WALL
- 10 FURR CEILING TO +/- 8'-0"
- 11 H.V.A.C. DUCT CHASE
- 12 MIN. 2'-0" BETWEEN DOOR & WINDOW TO AVOID TEMPERED GLASS.
- 13 CONTINUOUS WOOD HANDRAIL @ 36" ABOVE TREAD NOSING
- 14 FIRST SHELF 36" HGT. W/ADDN'L SHELVES SPACED @ 12" O.C. ABOVE
- 15 CENTERLINES OF 2x4 BLOCKING @ 36", 54", & 84" HGT. @ KITCHEN CABS, AND @ 30" HGT. FOR BATHROOM VANITY CABS
- 16 CENTERLINE OF 2x4 BLOCKING @ 24" HGT. FOR PAPER HOLDERS
- 17 CENTERLINE OF 2x4 BLOCKING @ 52" HGT. FOR TOWEL BARS.
- 18 1R & 1S = 1 ROD W/ SHELF @ 69" A.F.F. 2R & 1S = 1 ROD W/ SHELF @ 80" A.F.F. & 2ND ROD @ 40" A.F.F.
- 19 ALL SKEWED WALLS TO BE CONSTRUCTED @ 45 DEGREE ANGLES. U.N.O.
- 20 THIS WINDOW MEETS E.G.R.E.S.S. REQUIREMENTS PER I.R.C. /IBC 2018 CODE.
- 21 DOUBLE 2x4 WALL

NOTE:
 (SS) STRUCTURAL SHEATHING TO BE RED T-PLY OR 7/16" O.S.B. PER CITY.
 (CWB) CUT-IN WINDBRACE TO BE 1x4 OR METAL "T" PER CITY CODE.



FIRST FLOOR PLAN

SCALE:
 1/4" = 1'-0" (22"x34" SHEET)
 1/8" = 1'-0" (11"x17" SHEET)

DESIGN AND CONSTRUCTION PLANNING
 214-597-1150
 WWW.SANDDESIGNS.COM

No.	Date

**3919 FUREY STREET
 DALLAS, TEXAS
 LOT 1 / BLOCK 17 / 7146
 WEST MORELAND PARK ADDITION**

A.1
 Scale 1/8" = 1'-0" (22x36)

FIRST FLOOR PLAN	
Project number	6-13-22
Date	JG
Drawn by	SG
Checked by	

BOA223-109

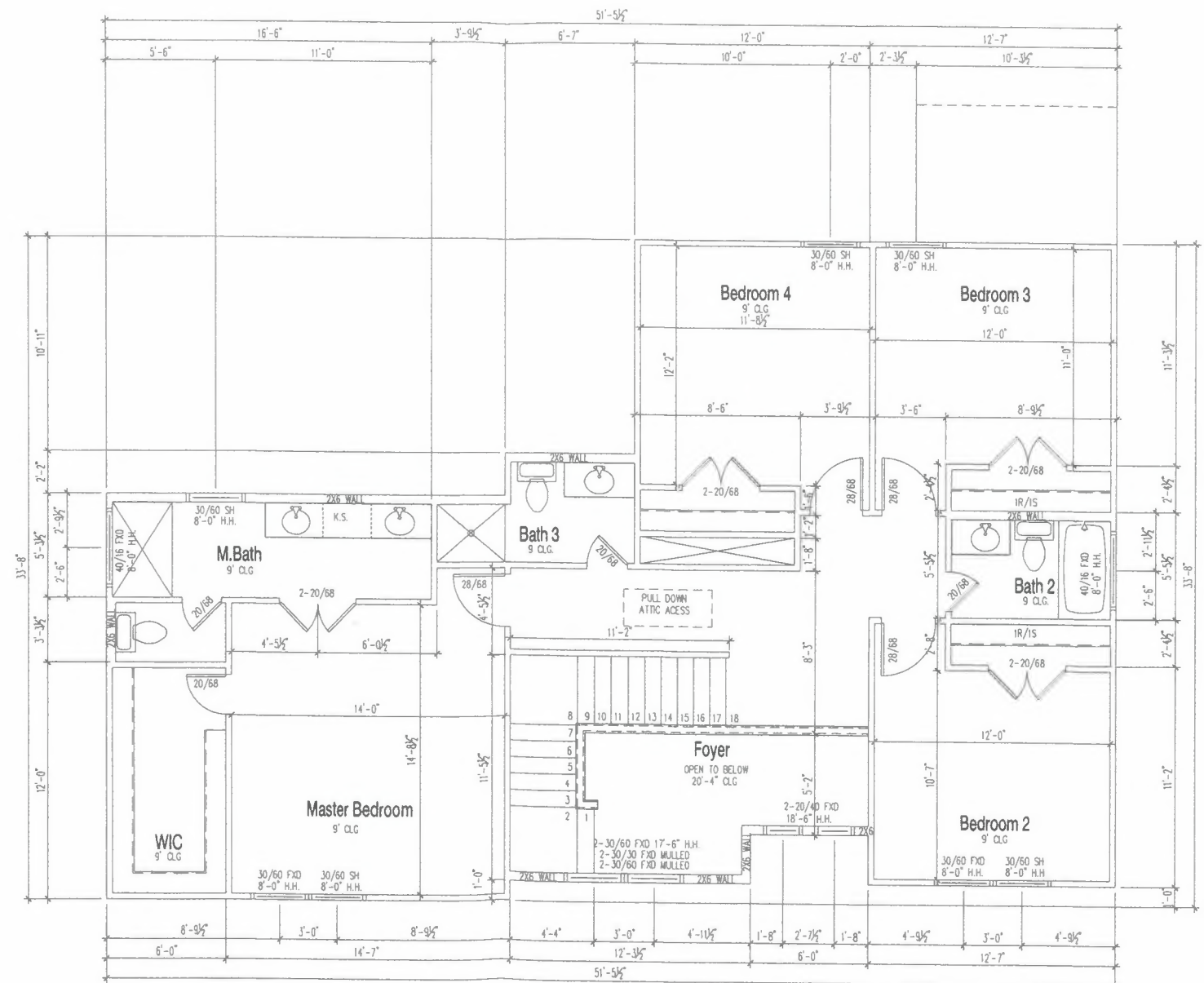
No.	Date

**3919 FUREY STREET
 DALLAS, TEXAS
 LOT 1 / BLOCK 17 / 7146
 WEST MORELAND PARK ADDITION**

SECOND FLOOR PLAN	
Project number	A.2
Date	6-13-22
Drawn by	JG
Checked by	SG
Scale	1/8" = 1'-0" (11x17)

- 1 22"x30" ATTIC ACCESS
- 2 WATER HEATER PLATFORM TO BE 3/4" OSB ON 2X6 LEDGER 18" A.F.F. WITH AUX. CATCH PAN DRAINED TO OUTSIDE IF APPLICABLE. OPT. #126 DOOR TO BE 20/50 @ 6'-10" HH.
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- 19 ALL SKEWED WALLS TO BE CONSTRUCTED @ 45 DEGREE ANGLES. U.N.O.
- 20 THIS WINDOW MEETS E.G.R.E.S.S. REQUIREMENTS PER I.R.C. /IBC 2018 CODE.
- 21 DOUBLE 2x4 WALL

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 (CWB) CUT-IN WINDBRACE TO BE 1x4 OR METAL "I" PER CITY CODE.



SECOND FLOOR PLAN

SCALE:
 1/4" = 1'-0" (22"x34" SHEET)
 1/8" = 1'-0" (11"x17" SHEET)

BDA223-109

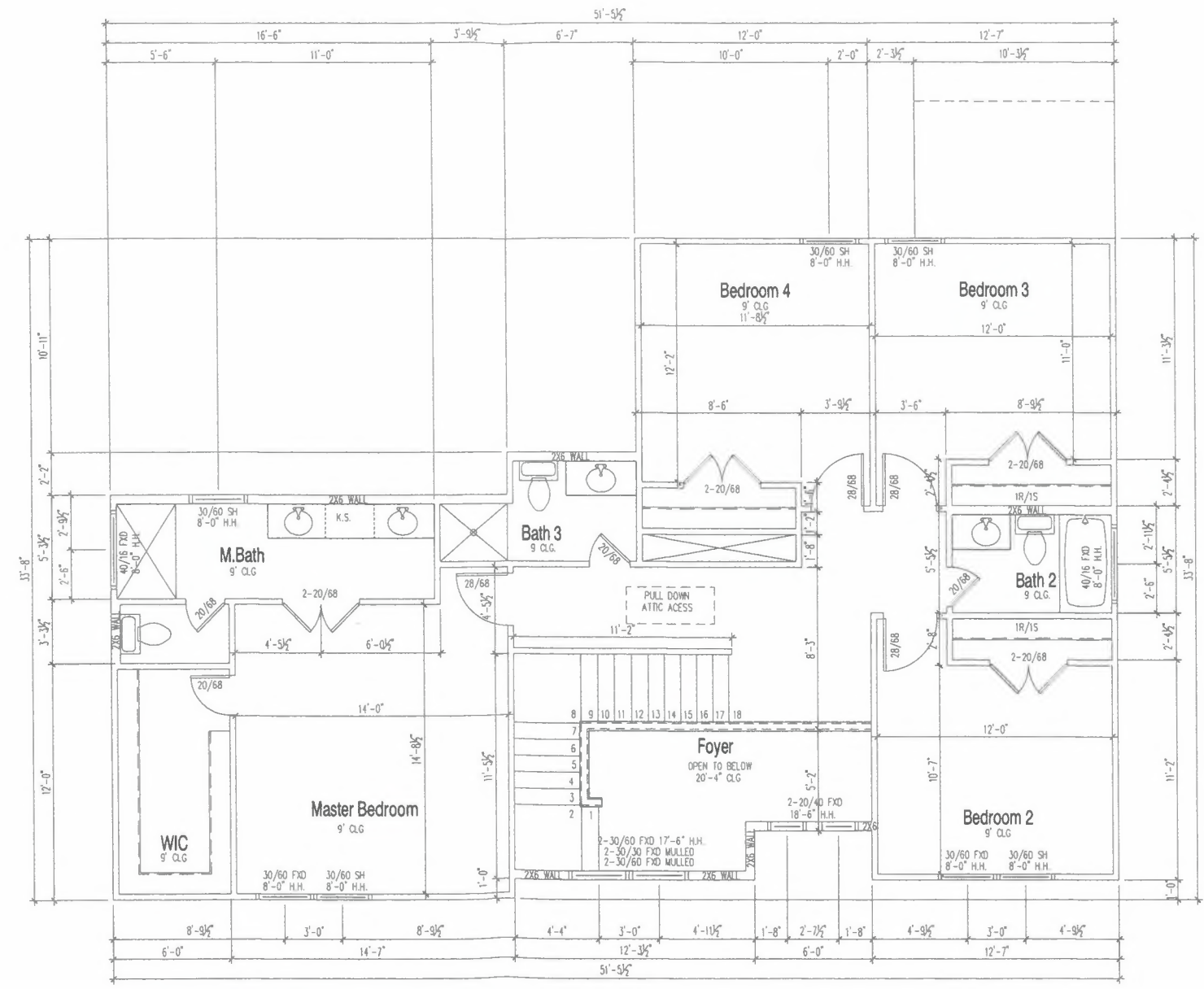
No.	Date

**3919 FUREY STREET
 DALLAS, TEXAS
 LOT 1 / BLOCK 17 / 7146
 WEST MORELAND PARK ADDITION**

SECOND FLOOR PLAN	
Project number	A.2
Date	6-13-22
Drawn by	JG
Checked by	SG
Scale	1/8" = 1'-0" (11X17)

- 1 22"x30" ATTIC ACCESS
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 (CWB) CUT-IN WINDBRACE TO BE 1x4 OR METAL™ PER CITY CODE.



SECOND FLOOR PLAN

SCALE:
 1/4" = 1'-0" (22"x34" SHEET)
 1/8" = 1'-0" (11"x17" SHEET)

BDA223-109



Front Elevation

SCALE:
 1/4" = 1'-0" (22"x34" SHEET)
 1/8" = 1'-0" (11"x17" SHEET)



Rear Elevation

SCALE:
 1/4" = 1'-0" (22"x34" SHEET)
 1/8" = 1'-0" (11"x17" SHEET)

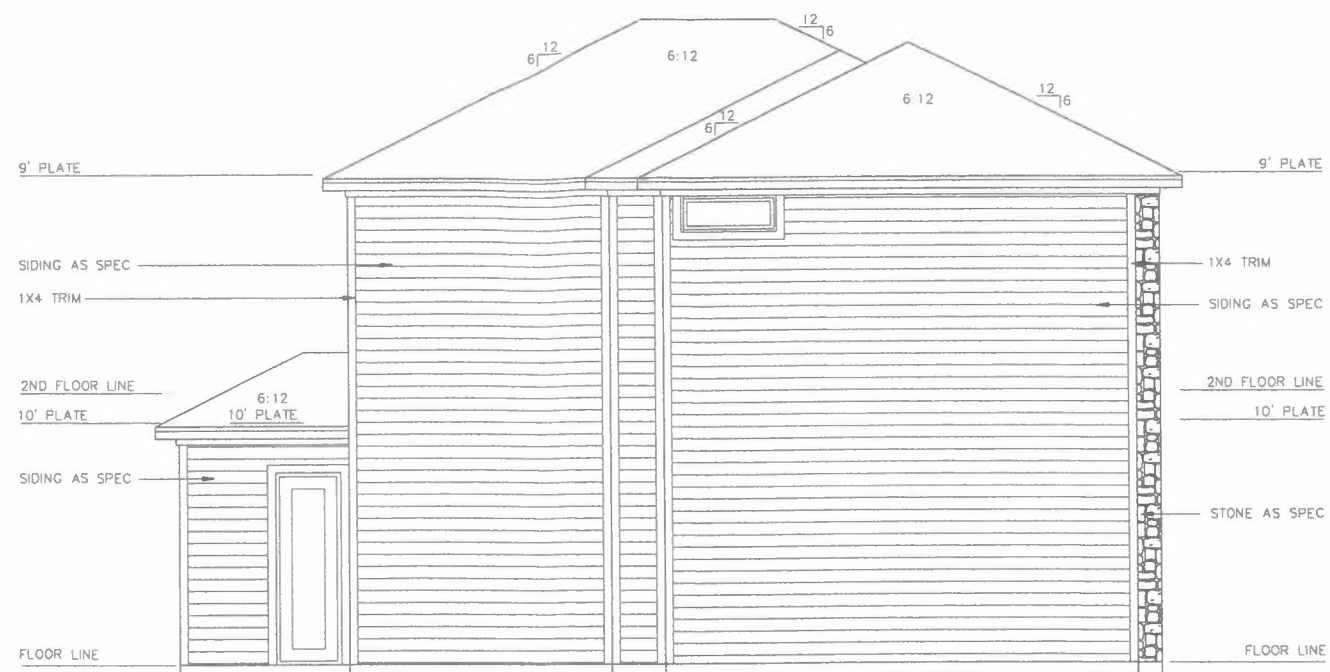
No.	Date

**3919 FUREY STREET
 DALLAS, TEXAS
 LOT 1 / BLOCK 17 / 7146
 WEST MORELAND PARK ADDITION**

PROPOSED FLOOR PLAN	
Project number	A3
Date	6-13-22
Drawn by	JG
Checked by	SG
Scale 1/8" = 1'-0" (11x17) 1/4" = 1'-0" (24x36)	

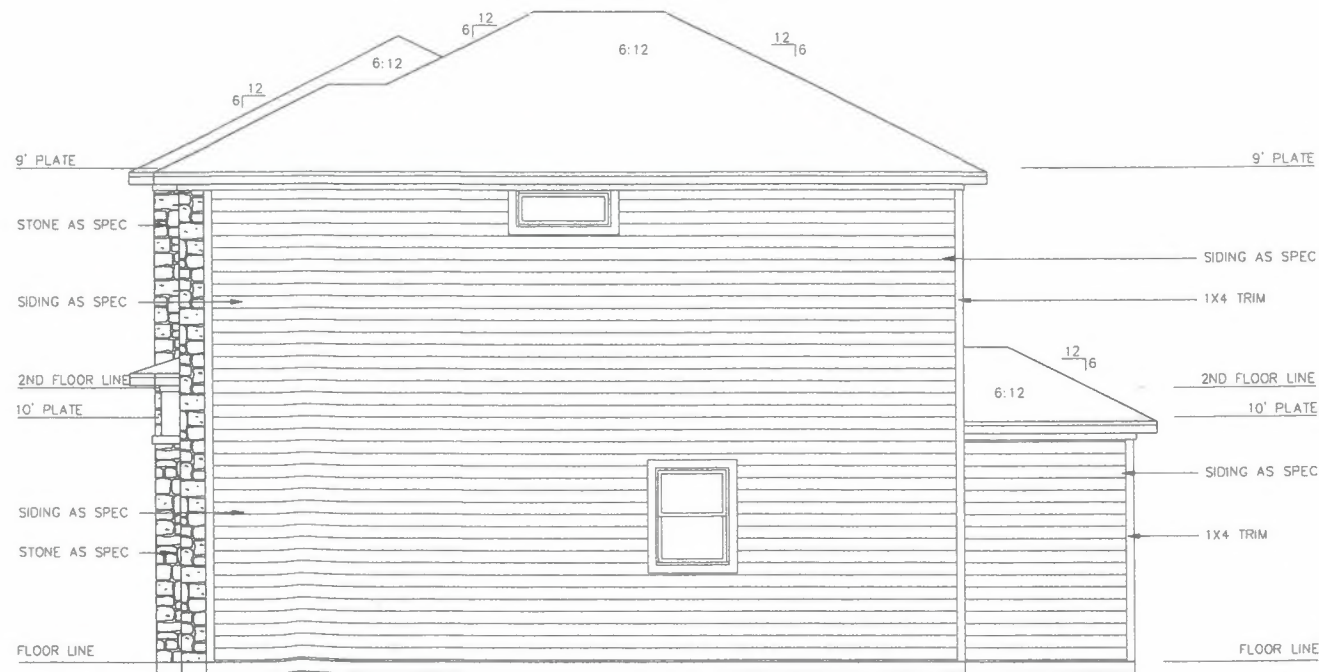
etcher

BDA223-109



Left Elevation

SCALE:
 1/4"=1'-0" (22"x34" SHEET)
 1/8"=1'-0" (11"x17" SHEET)



Right Elevation

SCALE:
 1/4"=1'-0" (22"x34" SHEET)
 1/8"=1'-0" (11"x17" SHEET)

No.	Date

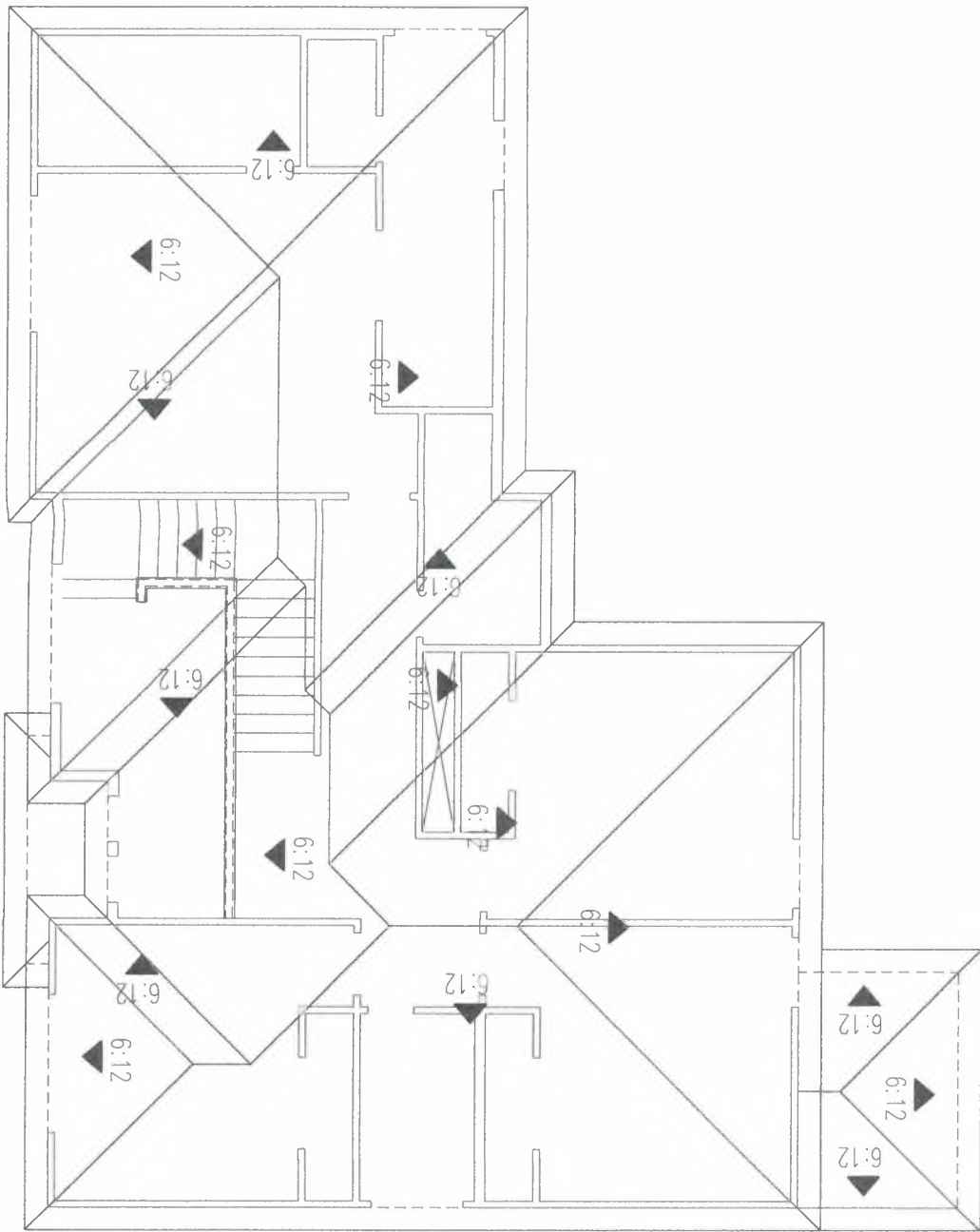
**3919 FUREY STREET
 DALLAS, TEXAS
 LOT 1 / BLOCK 17 / 7146
 WEST MORELAND PARK ADDITION**

ELEVATION PLAN	
Project number	A.4
Date	6-13-22
Drawn by	JG
Checked by	SG
Scale	1/8" = 1'-0" (11"x17") 1/4" = 1'-0" (22"x36")


BDA223-109

ROOF PLAN

SCALE:
 1/4" = 1'-0" (22"x34" SHEET)
 1/8" = 1'-0" (11"x17" SHEET)



BDA223-109

Project number		A.5	3919 FUREY STREET DALLAS, TEXAS LOT 1 / BLOCK 17 / 7146 WEST MORELAND PARK ADDITION	No.	Date	 DESIGN AND CONSTRUCTION PLANNING 214-597-1150 WWW.sandjdesigns.com
Date	6-13-22					
Drawn by	JG					
Checked by	SG					
Scale		1/8" = 1'-0" (11x17) 1/4" = 1'-0" (24x36)				

FILE NUMBER: BDA223-115 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Christopher Williams for (1) a variance to the front-yard setback regulations at 2820 Gooch St. This property is more fully described as Block J/6881, Lot 2, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot front-yard setback, which will require (1) a 5-foot variance to the front-yard setback regulations.

LOCATION: 2820 Gooch St.

APPLICANT: Christopher Williams

REQUEST:

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

STANDARD 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:

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. Restrictive in area due to the slope on the property which limits the buildable area of the lot; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not a self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 6553 square feet.

This lot is zoned R7.5(A) which has an average area of 7,500 square feet.

Zoning:

- Site: R-7.5(A) Single-Family District
- North: R-7.5(A) and R-5(A) Single-Family District
- South: R-7.5(A) Single-Family District
- East: R-7.5(A) Single-Family District
- West: R-7.5(A) Single-Family District

Land Use:

The subject site is developed with a single family home. The areas to the north, south, east, and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 5-feet is mad to construct and maintain a single-family residential structure.
- The subject site is currently being developed with a single-family dwelling unit.
- The Dallas Development Code requires a minimum front yard setback of 25-feet for the R-7.5(A) zoning district. The applicant is proposing to construct a single-family residential home only providing a 20-foot front yard setback; requiring a 5-foot variance to the front yard setback regulations.
- It is imperative to note that a building permit for new construction was applied for on August 30, 2021 and was approved on September 13, 2023. Unfortunately, this approval has been deemed as an oversight as there is a minimum 25-foot required front yard setback.
- However, there is a slope/drop at the rear of the property which could be viewed as a hardship on the property, which would limit the buildable area.

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

- That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- 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.

- [BDA223-115; 2820 GOOCH](#) (200' radius video)

Timeline:

October 24, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 25, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

October 26, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 20, 2023, deadline to submit additional evidence for staff to factor into their analysis; and December 1, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 20, 2023: The applicant provided documentary evidence.

November 29, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.



1:1,200

AERIAL MAP

Case no: BDA223-115

Date: 11/1/2023



The letter 'N' indicates no information available

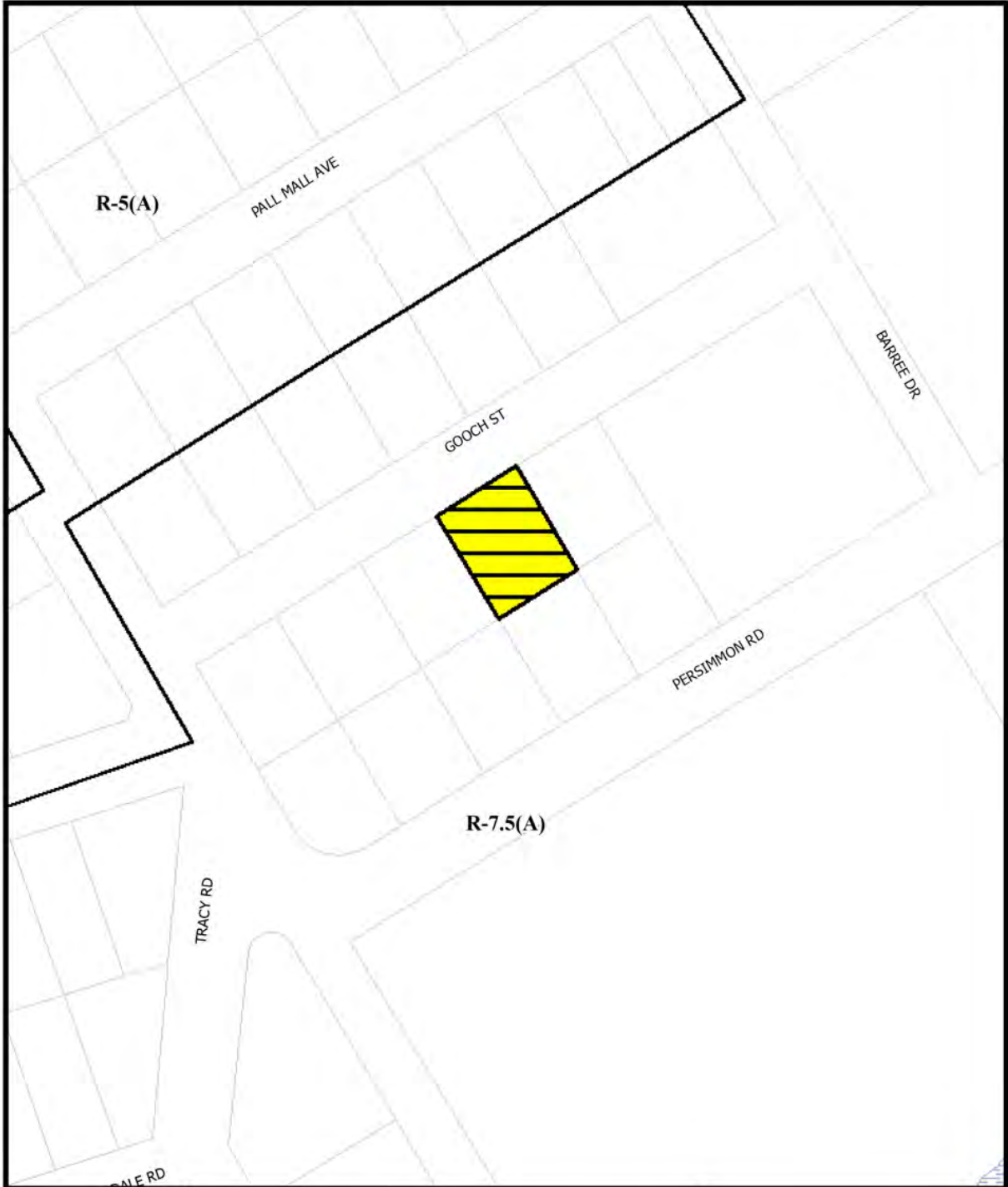
The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
20 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-115**
 Date: **11/1/2023**



1:1,200

ZONING MAP

Case no: BDA223-115

Date: 11/1/2023

11/01/2023

Notification List of Property Owners

BDA223-115

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2820 GOOCH ST	NOTRE DAME PLACE INC
2	2836 PALL MALL AVE	JJW PROPERTIES, LLC
3	2830 PALL MALL AVE	POJU HOMES LLC
4	2824 PALL MALL AVE	MODERN MERCHANTS LLC
5	2820 PALL MALL AVE	CASTILLO ELEUTERO
6	2814 PALL MALL AVE	SAUCEDO ALONZO
7	2841 GOOCH ST	MERRITT STEVEN & MARIJANE
8	2831 GOOCH ST	WRIGHT SYLVESTER
9	2825 GOOCH ST	ROBINSON ANTHONY
10	2821 GOOCH ST	WRIGHT LISA
11	2809 GOOCH ST	PATINO JOSE C
12	2803 GOOCH ST	MENDOZA EDGAR GUADALUPE M
13	2826 GOOCH ST	SAUCEDO ALONZO JACOB CORREA
14	2808 GOOCH ST	SANTANA ORLANDO JESUS RAMIREZ
15	2802 GOOCH ST	CERVANTES TERESO CASTILLO &
16	2821 PERSIMMON RD	WRIGHT LAVON & LORRAINE
17	2815 PERSIMMON RD	OLIVAS GUADALUPE
18	2811 PERSIMMON RD	AMADO MARLENE
19	2803 PERSIMMON RD	KLM 2020 GST TRUST
20	2835 PERSIMMON RD	GREATER PARKSIDE CHURCH INC

200' Radius video route





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223-115

RECEIVED

Data Relative to Subject Property: in review - oversight

Date:

OCT 24 REC'D

Location address:

2820 Grock St. Perry TX 75051

Zoning District:

RT5A PB

Lot No.:

2

Block No.:

316891

Acreage:

.148

Census Tract:

Street Frontage (in Feet):

1) 20.8

2)

3)

4)

5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed):

Note Power of Attorney

Applicant:

Christina K. Williams

Telephone:

214-529-4039

Mailing Address:

2839 Treldust Dr.

Zip Code:

75037

E-mail Address:

CW15@CKMSinfo.com

Represented by:

Telephone:

Mailing Address:

Zip Code:

E-mail Address:

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

request fire fuel tank proposal set back at 20ft

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:

to receive permission to continue building with the frontage tank 5 on the site at 20ft.

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

Christina K. Williams

(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]

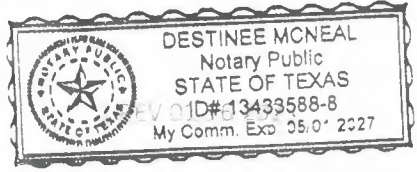
(Affiant/Applicant's signature)

Subscribed and sworn to before me this

17 day of October, 2023

[Signature]

Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that CHRISTOPHER WILLIAMS

did submit a request for (1) a variance to the front yard setback regulations
at 2820 Gooch St.

BDA223-115(KMH) Application of Christopher Williams for (1) a variance to the front-yard setback regulations at 2820 Gooch St. This property is more fully described as Block J/6881, Lot 2, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot front-yard setback, which will require (1) a 5-foot variance to the front-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-115

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

at: 2820 Gockw St Dallas TX 75241
(Address of property as stated on application)

Authorize: [Signature] Christopher Keitel
(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: Keep the same front set back huts at 20ft

Joseph W Dingman
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

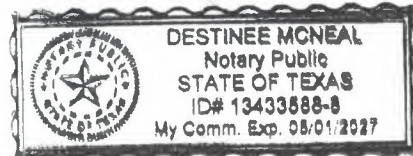
Date 10/17/2023

Before me, the undersigned, on this day personally appeared Joseph W. Dingman

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 17 day of October, 2023

Commission expires on 05/01/2027



SHIPPED DATE: 8-15-96 RECEIVED DATE: 1-20-96

CITY OF DALLAS PLAT BOOKS

ANNEXED MARCH 11, 1952 ORD. NO. 5418

ADDITION CHESTERFIELD HEIGHTS

BLOCKS 6881, 6881 E-J

SURVEY JOHN B. RICHARDS ABST. 1192

SCALE 100 FT. EQUALS 1 INCH

PHA 3-30-88

SCHOOL DIST. DALLAS

FILED: 5-26-49
FILED: 3-14-88 Parkside Church Of GOD In CHRIST LOT II BLK. 6881



TRUE AND CORRECT
COPY OF RECORD
ON FILE IN CITY
SURVEYOR'S OFFICE

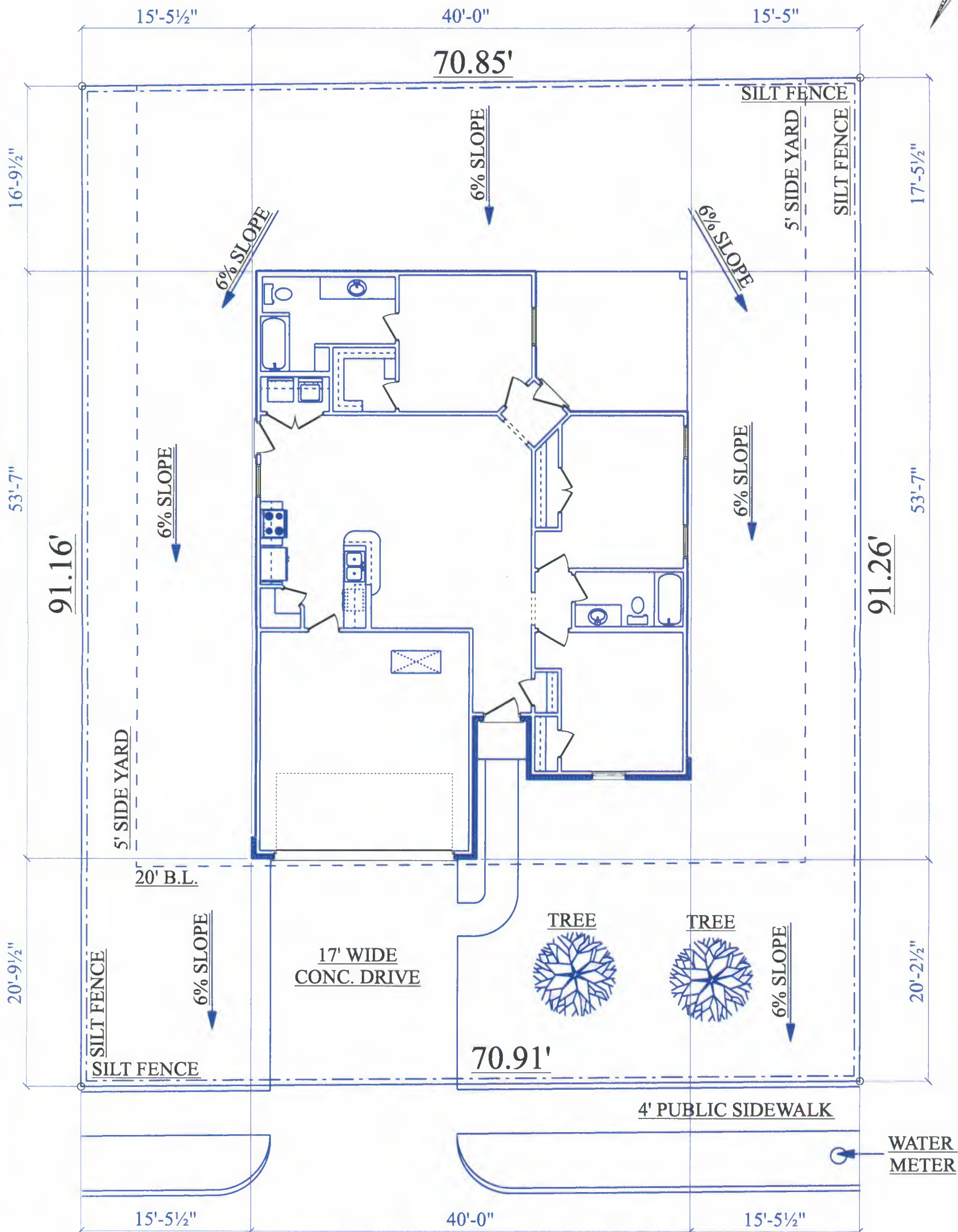
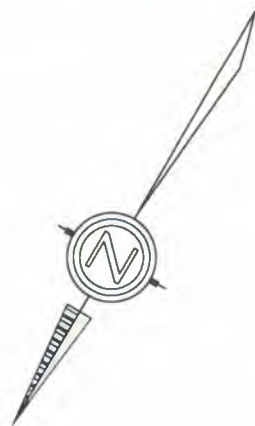
BY: *[Signature]*
DATE: 10/17/2023

BDA223-115





**LOT 2 BLOCK J/6881
CHESTERFIELD HEIGHTS ADDITION
DALLAS, TEXAS
DALLAS COUNTY**



**STORM WATER
DRAINAGE SITE**

2820 GOOCH STREET

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

SITE PLAN

SCALE: 1" = 10'-0"

BDA 223-115



130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM



JULY 12th, 2023

A NEW SINGLE FAMILY
HOME TO BE LOCATED @
2820 GOOCH STREET
LOT 2 BLOCK J/6881
CHESTERFIELD HEIGHTS
DALLAS, TX-DALLAS COUNTY

**CK MANAGEMENT
SERVICES, LLC.**

N.C.B.D.C.



REFERENCE

SUBJECT TO FIELD INSPECTOR'S APPROVAL

KEEP 20 FT X 20 FT VISIBILITY TRIANGLES CLEAR

WATER METER MAY NOT BE LOCATED IN THE DRIVEWAY APPROACH, OR SIDEWALK

SIDEWALKS AND DRIVE APPROACH REQUIRE A SEPARATE PERMIT

UTILITY EASEMENT MUST REMAIN OPEN AND UNOBSTRUCTED. NO ENCROACHMENTS PERMITTED

WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY

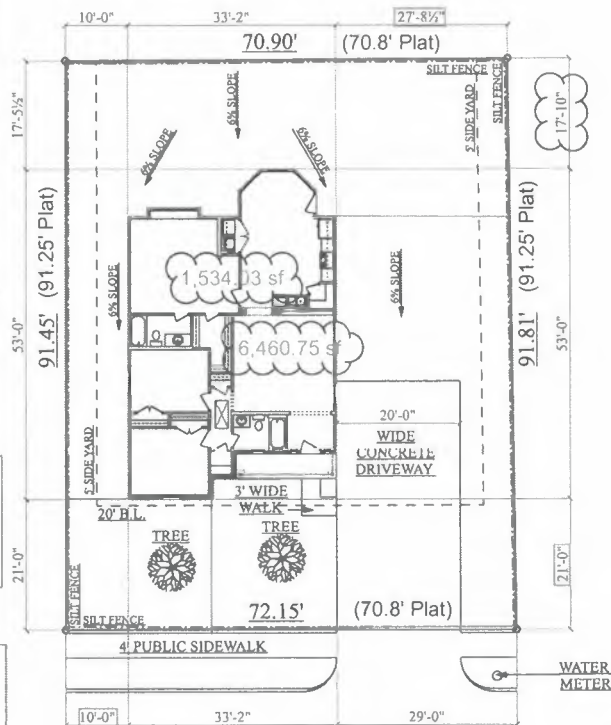
NOTICE: CHECK FOR PRIVATE DEED RESTRICTIONS FILE AT COUNTY OFFICE

SMOKE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL SLEEPING AREAS AND AT ALL FLOOR LEVELS

A PERMIT IS BEING ISSUED FOR WATER/WASTEWATER UTILITIES YOU ARE RESPONSIBLE TO VERIFY THAT UTILITIES ARE AVAILABLE FOR THIS PROPERTY. IF UTILITIES ARE NOT AVAILABLE FOR THIS SITE, THE CITY OF DALLAS IS NOT RESPONSIBLE.



CHESTERFIELD LOT 2 DALLAS, TX - DALLAS COUNTY



APPROVED REVIEW BY: adavis SAFEbuilt. APPROVED THIRD PARTY PLAN REVIEW AGENCY BY THE TOWN OF DALLAS, TEXAS 05/06/2022 9:52:25 AM

R-7.5(A) F - 25' S - 5' R - 5' HT - 30' LOT - 45% P - 1

MINIMUM 2 MEDIUM OR LARGE TREES REQUIRED

STORM WATER DRAINAGE SITE

BUILDER TO FIELD VERIFY BUILDING LINES AND SETBACKS PRIOR TO CONSTRUCTION

2820 GOOCH STREET

ALL CONSTRUCTION SHALL CONFORM TO THE DALLAS ONE-AND TWO-FAMILY DWELLING CODE, JANUARY 2017 EDITION, AND THE DALLAS ZONING CODE

SITE PLAN SCALE: 1" = 20'-0"

BDA223-115



130 CHIEFTAIN DRIVE SUITE 101 WAXAHACHIE, TX 75165 OFFICE# (972)935-9710 WWW.PLAN-MASTER.COM



JULY 30th, 2021 A NEW SINGLE FAMILY HOME TO BE LOCATED @ 2820 GOOCH STREET CHESTERFIELD LOT 2

PLAN 1470-A MARCER CONSTRUCTION



Provide a Class A, B, or C roof assembly conforming to Dallas One- and Two-Family Dwelling Code (DFC) Section R504 and R505

ADDENDUM
 DATE: 01/2023
 REVIEWER: Mike Hunt
 TELEPHONE NUMBER:
 SUBJECT TO FIELD INSPECTOR'S APPROVAL

MAY NOT EXCEED MAX HEIGHT 30 FT FROM AVERAGE GRADE TO MIDPOINT

City of Dallas
APPROVED
 Building Inspection
 09/13/23

ROOF LAYOUT
 SCALE: 1/8" = 1'-0"

LEFT ELEVATION
 SCALE: 1/4" = 1'-0"

RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"

REAR ELEVATION
 SCALE: 1/4" = 1'-0"

FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

NOTES:

1. The owner is responsible for providing the following information to the architect:
2. The architect is responsible for providing the following information to the owner:
3. The architect is responsible for providing the following information to the owner:
4. The architect is responsible for providing the following information to the owner:
5. The architect is responsible for providing the following information to the owner:
6. The architect is responsible for providing the following information to the owner:
7. The architect is responsible for providing the following information to the owner:
8. The architect is responsible for providing the following information to the owner:
9. The architect is responsible for providing the following information to the owner:
10. The architect is responsible for providing the following information to the owner:
11. The architect is responsible for providing the following information to the owner:
12. The architect is responsible for providing the following information to the owner:
13. The architect is responsible for providing the following information to the owner:
14. The architect is responsible for providing the following information to the owner:
15. The architect is responsible for providing the following information to the owner:
16. The architect is responsible for providing the following information to the owner:
17. The architect is responsible for providing the following information to the owner:
18. The architect is responsible for providing the following information to the owner:
19. The architect is responsible for providing the following information to the owner:
20. The architect is responsible for providing the following information to the owner:

CK MANAGEMENT SERVICES, LLC

JULY 12th, 2023
 A NEW SINGLE FAMILY HOME TO BE LOCATED @ LOT 2, BLOCK 1881, CHESTNUTFIELD HEIGHTS DALLAS, TEXAS DALLAS COUNTY

MATTHEW J. ADRIANO
 19 CHESTNUT DRIVE WAXAHACHIE, TX 75165 OFFICE 972.923.5710 WWW.PLAN-MASTER.COM

City of Dallas

CK Management Services

Presented By:



BDA223-115
2820 Gooch Street
Dallas, TX
December 2023

Confidential

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Foundation	Page 9
Amended Site Plan	Page 10
Budget.....	Page 11
References.....	Page 12



Executive Summary

To whom it may concern: CK MANAGEMENT SERVICES is requesting a variance to continue building the single-family home on 28280 Gooch St Dallas Tx 75241. CKMS was hired by Notre Dame Place non-profit to build Quality Attainable Homes for the City of Dallas Housing Land Transfer Program. This particular property was permitted by the previous builder prior.

1. Original permitted date was on May 23, 2022- The original plans didn't have a garage which is required to build with the Land Transfer Program.
2. CKMS sent over the original permitted plans to Blue Line Design to add the 2-car garage.
3. CKMS submitted the revised permitted plans back to the City of Dallas permitting office which the plans were approved on September 13, 2023.
4. Once the addendum was approved, CKMS sent the plans to the foundation team and site construction began.
5. CKMS requested a foundation inspection and was advised of the city building code setback requirements.
6. CKMS started the variance request. All information will be provided included in this document.

If you have any additional questions, please contact me below.

Christopher Keith
Chris@ckmsinfo.com
www.ckmsinfo.com
214.529.4039





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-115 **RECEIVED**

Data Relative to Subject Property: in review-oversight Date: OCT 14 2022

Location address: 2820 Gock St. Dallas TX 75201 Zoning District: R-7.5(a) PB

Lot No.: 2 Block No.: 51689 Acreage: .148 Census Tract: _____

Street Frontage (in Feet): 1) 2018 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:
Owner of Property (per Warranty Deed): Nota Ponce Preece

Applicant: Christen K. Williams Telephone: 214-527-4039

Mailing Address: 2839 Reidway Dr. Zip Code: 75231

E-mail Address: cw5@ckmsinfo.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of request for future property setback

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:
To receive permission to continue building with the family tank on the site at 2820.

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

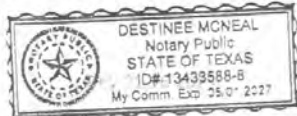
Before me the undersigned on this day personally appeared Christen Williams
(Affiant/Applicant's name printed)

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/principal/authorized representative of the subject property

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 17 day of October, 2022

Destinee McNeal
Notary Public in and for Dallas County, Texas



Building Official's Report

I hereby certify that CHRISTOPHER WILLIAMS

did submit a request for (1) a variance to the front yard setback regulations
at 2820 Gooch St.

BDA223-115. Application of CHRISTOPHER WILLIAMS for (1) a variance to the front yard setback regulations at 2820 GOOCH ST. This property is more fully described as Block J/6881, Lot 2, and is zoned R-7.5(A), which requires a front yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot front yard setback, which will require (1) a 5-foot variance to the front yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

Application / Appeal



AFFIDAVIT

Appeal number: BDA 223-115

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

at: 8820 Gock St Dallas TX 75241
(Address of property as stated on application)

Authorize: [Signature] Christopher Keitel
(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: Keep the same front set back that is at 20ft

Joseph W Dingman
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

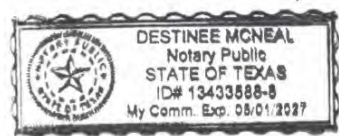
Date 10/17/2023

Before me, the undersigned, on this day personally appeared Joseph W. Dingman

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 17 day of October, 2023

Commission expires on 05/01/2027



2820 Gooch Street - Construction

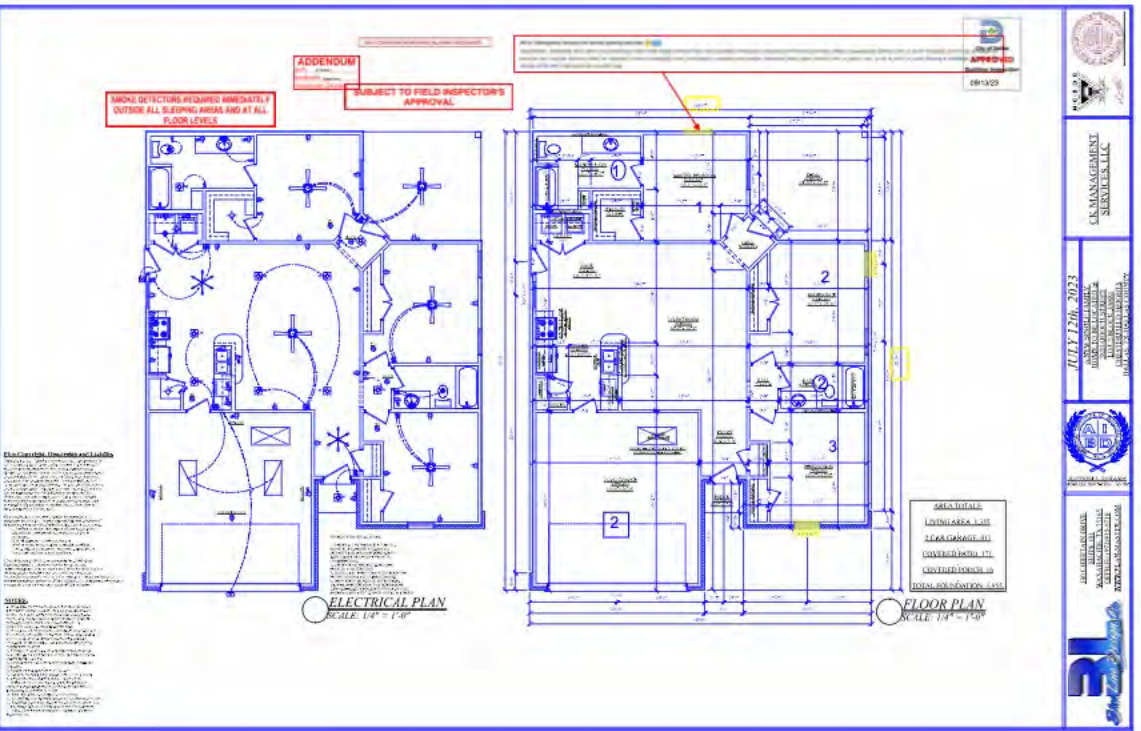
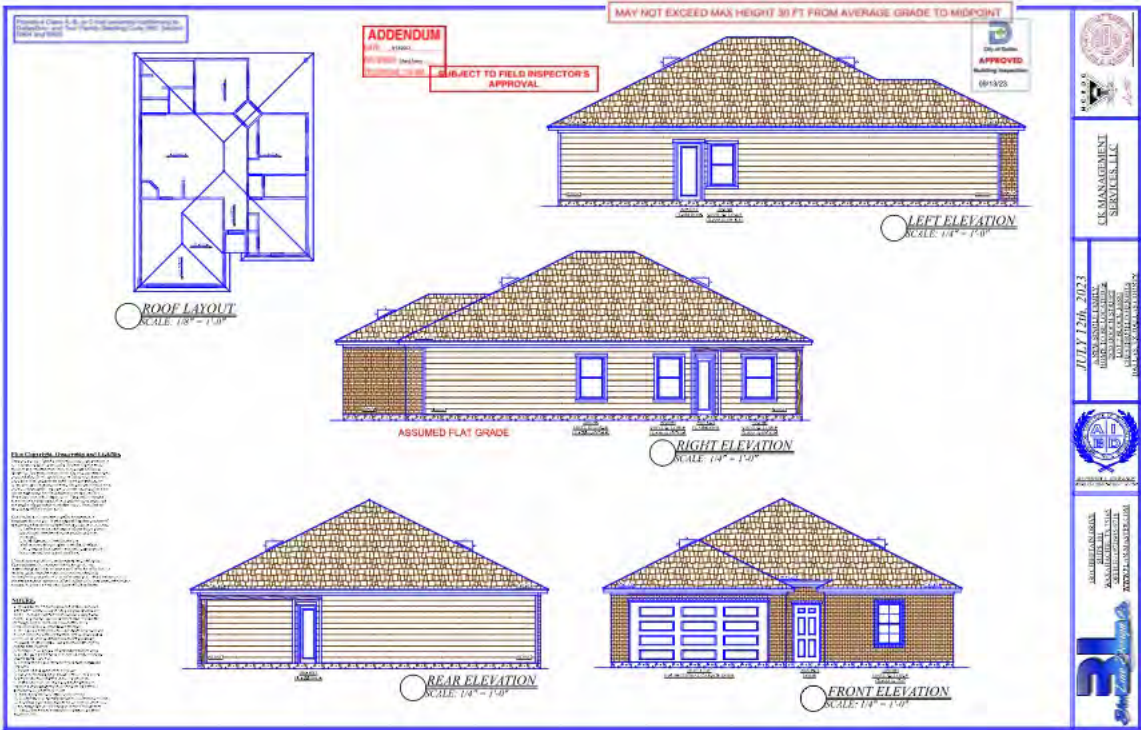


2820 Gooch Street - Construction

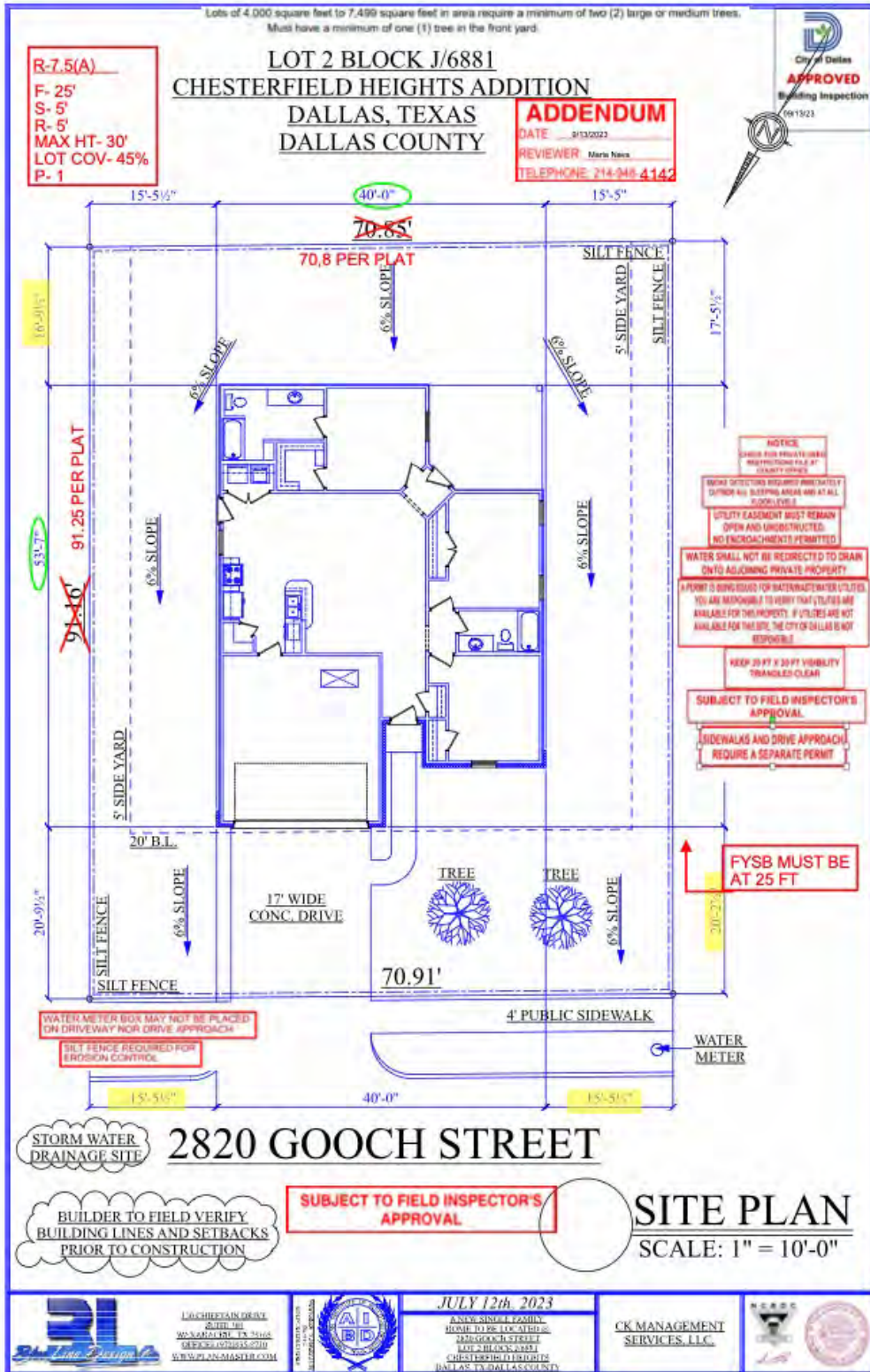


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Confidential

2820 Gooch Street – Elevation & Site Plans



2820 Gooch Street – Amended Site Plans



City Building Setback issue



2820 Gooch Street – Construction Budget

To date: 2820 Gooch - \$64,433.85

APPLICATION AND CERTIFICATION FOR PAYMENT

PAGE ONE OF _____ PAGES

OWNER: Notre Dame Place, Inc
2920 Forest Lane, Box 415
Dallas, Texas 75234

PROJECT: 6015 Kenrock
Address: Dallas, Texas
75241

APPLICATION NO: _____ 1

PERIOD TO: 5-09-23 to 7-21-23

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

CONTRACTOR: CK Management Services, LLC
2839 Traildust Drive
Dallas, Tx 75237

City Contract No: _____

CONTRACT DATE: 12/9/22

CONTRACTOR'S APPLICATION FOR PAYMENT

This application is made for payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

ORIGINAL CONTRACT SUM-From continuation sheet	\$	195,000.00
Net change by Change Orders		16,002.23
CONTRACT SUM TO DATE (Line 1 + 2)	\$	211,002.23
TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	64,433.85
RETAINAGE:		
a. 10 % of Completed Work (Column D + E on G703)	\$	6,443.00
b. % of Stored Material (Column F on G703)	\$	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	6,443.00
TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	57,990.85
LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificates)	\$	0.00
CURRENT PAYMENT DUE	\$	57,990.85
BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	153,011.38

CONTRACTOR:

By: _____ Date: 07/18/23

State of _____ County of _____
Subscribed and sworn to before me this _____ day of _____
Notary Public:
My Commission expires: _____

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$ _____

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Deposit to be credited against final two draws: 25,000.00

CONTINUATION SHEET

Contractor's support certifications are attached.
In calculations below, amounts are stated to the nearest dollar.
Use Columns for Contracts where variable retainage for five times may apply.

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED THIS PERIOD		MATERIALS PRESENTLY STORED (NOT IN PLACE)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE (C-G)	RETAINAGE (IF VARIABLE RATE)	APPROVALS									
			FROM PREVIOUS APPLICATION (D + F)	THIS PERIOD						Appr1	Appr2	Appr3	Appr4	Appr5	Appr6	Total			
1	City permits	5,000.00	0.00	0.00	0.00	0.00	0%	5,000.00	0.00							0.00			
2	Architectural fix and plans	4,000.00	0.00	174.00	174.00	374.00	0.09	3,626.00	38.00			378				378.00			
3	City inspection fees	1,500.00	0.00	0.00	0.00	0.00	0%	1,500.00	0.00							0.00			
4	General contract fee	12,000.00	0.00	3,000.00	3,000.00	3,000.00	0.25	9,000.00	300.00			3,000	6,350			9,850.00			
5	Foundation	24,000.00	0.00	22,313.00	22,313.00	22,313.00	0.93	1,687.00	2,213.00			22,313	500			24,000.00			
6	Structural service emergency	500.00	0.00	0.00	0.00	0.00	0%	500.00	0.00							500.00			
7	Utility access tap meter tap	2,500.00	0.00	0.00	0.00	0.00	0%	2,500.00	0.00							2,500.00			
8	Dumpster-haul off	1,200.00	0.00	0.00	0.00	0.00	0%	1,200.00	0.00							1,200.00			
9	Framing & structural	24,000.00	0.00	17,242.85	17,242.85	17,242.85	0.72	6,757.15	1,724.00			17,243	6,737			24,000.00			
10	Windows & screens	3,500.00	0.00	0.00	0.00	0.00	0%	3,500.00	0.00							3,500.00			
11	Door-cabinet	7,000.00	0.00	0.00	0.00	0.00	0%	7,000.00	0.00							7,000.00			
12	Door-interior & trim	4,300.00	0.00	0.00	0.00	0.00	0%	4,300.00	0.00							4,300.00			
13	Wall insulation	2,200.00	0.00	0.00	0.00	0.00	0%	2,200.00	0.00							2,200.00			
14	General plumbing	6,000.00	0.00	3,500.00	3,500.00	3,500.00	0.58	2,500.00	350.00			3,500	4,000			7,500.00			
15	Electrical package	7,900.00	0.00	0.00	0.00	0.00	0%	7,900.00	0.00							7,900.00			
16	Drywall-sheetrock	6,000.00	0.00	0.00	0.00	0.00	0%	6,000.00	0.00							6,000.00			
17	Paint-cabinet/interior	4,000.00	0.00	0.00	0.00	0.00	0%	4,000.00	0.00							4,000.00			
18	Tile work-shower/tub	3,000.00	0.00	0.00	0.00	0.00	0%	3,000.00	0.00							3,000.00			
19	Flooring-carpet	4,000.00	0.00	0.00	0.00	0.00	0%	4,000.00	0.00							4,000.00			
20	Flooring-vinyl plank with tile	4,200.00	0.00	0.00	0.00	0.00	0%	4,200.00	0.00							4,200.00			
21	Kitchen cabinets-island	7,000.00	0.00	0.00	0.00	0.00	0%	7,000.00	0.00							7,000.00			
22	Cabinet tops & pantries	5,500.00	0.00	0.00	0.00	0.00	0%	5,500.00	0.00							5,500.00			
23	Shower glass door	1,000.00	0.00	0.00	0.00	0.00	0%	1,000.00	0.00							1,000.00			
24	HVAC	12,500.00	0.00	0.00	0.00	0.00	0%	12,500.00	0.00							12,500.00			
25	Roof	5,000.00	0.00	0.00	0.00	0.00	0%	5,000.00	0.00							5,000.00			
26	Stone-brick work	6,000.00	0.00	0.00	0.00	0.00	0%	6,000.00	0.00							6,000.00			
27	Landscaping	4,400.00	0.00	0.00	0.00	0.00	0%	4,400.00	0.00							4,400.00			
28	Driveway-concrete-slab	4,500.00	0.00	0.00	0.00	0.00	0%	4,500.00	0.00							4,500.00			
29	Garage door	3,500.00	0.00	0.00	0.00	0.00	0%	3,500.00	0.00							3,500.00			
30	Final clean	1,500.00	0.00	0.00	0.00	0.00	0%	1,500.00	0.00			1,000				1,650.00			
31	Contingency	17,800.00	0.00	0.00	0.00	0.00	0%	17,800.00	0.00							17,800.00			
32	Misc-costs credit	(1,957.77)	0.00	0.00	0.00	0.00	0%	(1,957.77)	0.00							0.00			
33	Change-in preparation	3,000.00	0.00	3,000.00	3,000.00	3,000.00	1.00	0.00	300.00			3,000				3,300.00			
34	Retainer Wall	15,000.00	0.00	15,000.00	15,000.00	15,000.00	1.00	0.00	1,500.00			15,000				16,500.00			
35		0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00							0.00			
36		0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00							0.00			
37		0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00							0.00			
38		0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00							0.00			
39		0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00							0.00			
40		0.00	0.00	0.00	0.00	0.00	0%	0.00	0.00							0.00			
	GRAND TOTALS	211,002.23	0.00	64,433.85	0.00	64,433.85	2.43	146,568.38	6,443.00			0.00	64,433.85	12,044.15	0.00	0.00	0.00	0.00	106,478.00



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Confidential

Below you will find the names of the neighbors who support the construction of 2820 Gooch Street.

Michael Chambers
2728 Pall Mall
Dallas, TX 75241
469.788.0576

Eric Johnson
2834 Gooch Street
Dallas, TX 75241
972.940.3106

Elbert Thomas
6019 Kemrock
Dallas, TX 75241
469.337.4915

Paul Baccus
2814 Gooch Street
Dallas, TX 75241
682.221.4856

FILE NUMBER: BDA223-103 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Charles Rahm for a variance to the side yard setback regulations at 5829 Joyce Way. This property is more fully described as Block 5610, and is zoned R-1ac(A), which requires a side yard setback of 10-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 9-foot side-yard setback, which will require a 1-foot variance to the side-yard setback regulations.

LOCATION: 5829 Joyce Way

APPLICANT: Charles Rahm

REQUEST:

(1) A request for a variance to the side-yard setback regulations.

STANDARD 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:

- i. **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.
- ii. 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
- iii. **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:

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. Restrictive in area; in which the property cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.
- C. Not a self-created hardship.

BDA HISTORY:

No BDA history found within the last five years.

Square Footage:

This lot contains 35,887 square feet.

This lot is zoned R1ac which has an average area of 1 acre or 43,560 square feet.

Zoning:

- Site: R-1ac(A) Single-Family District
- North: R-1ac(A) and R-10(A) Single-Family Districts
- South: R-1ac(A) Single-Family District
- East: R-1ac(A) Single-Family District
- West: R-1ac(A) Single-Family District

Land Use:

The subject site is developed with a single family home. The areas to the north, south, east, and west are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 1-foot is made to construct and/or maintain a single-family residential structure. The applicant is proposing to only provide a 9-foot side yard setback, whereas a minimum 10-foot side yard setback is required.
- The subject site is currently developed with a single-family dwelling unit.
- The applicant is proposing to expand an existing garage that currently sits within the side yard setback.
- Per the applicant, the purpose of the garage expansion is to shelter, provide security, and declutter the driveway of vehicles.
- As gleaned from the submitted site plan and as previously stated, the applicant is proposing to provide a 9-foot side yard setback for the expansion of an existing garage, which will require a 1-foot variance.

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

- That granting the variance to the side yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- 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 1-foot variance to the side yard setback 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.
- [BDA223-103; 5829 JOYCE WAY](#) (200' Radius Video)

Timeline:

September 26, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

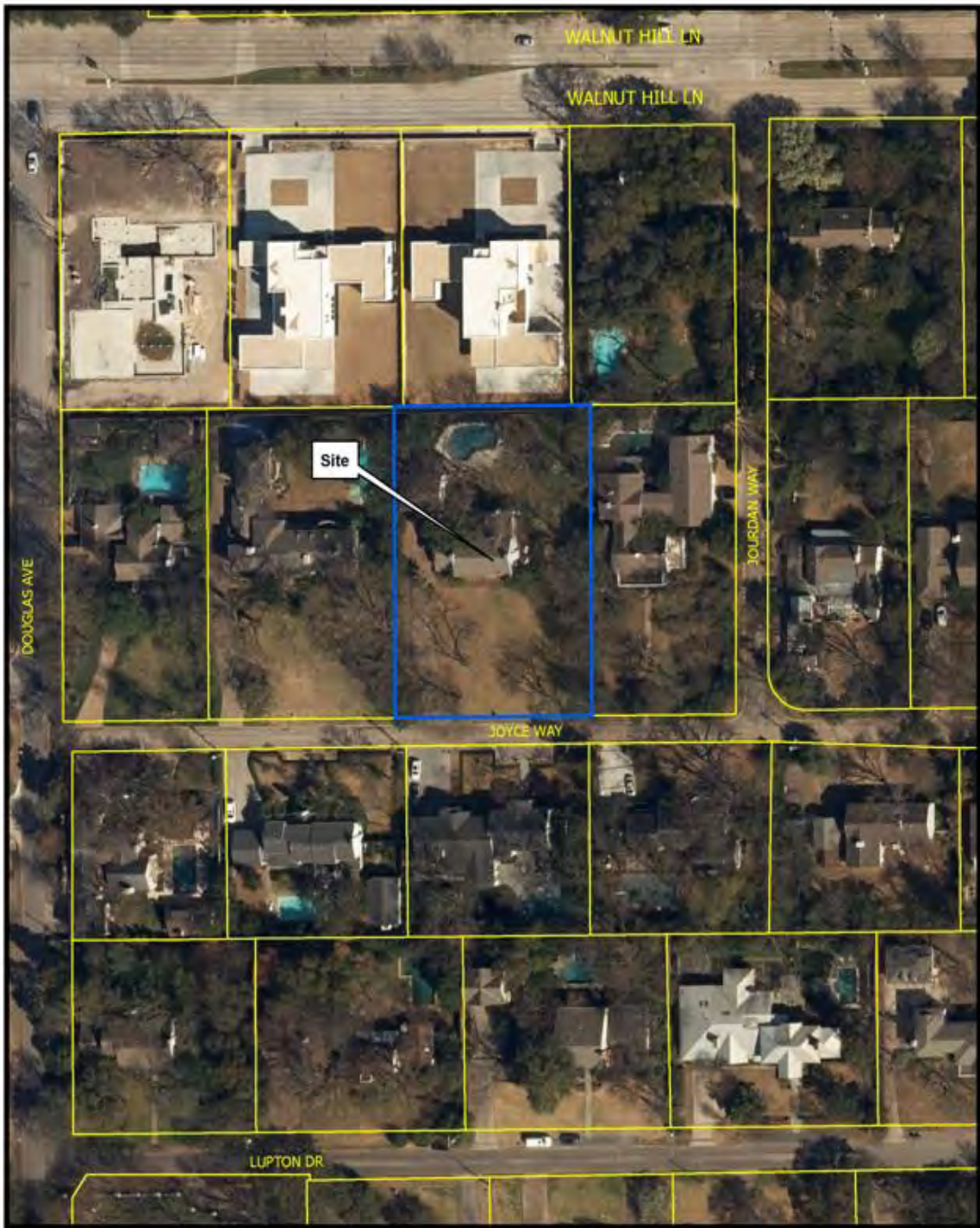
October 25, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

October 26, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 20, 2023, deadline to submit additional evidence for staff to factor into their analysis; and December 1, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 20, 2023: The applicant provided documentary evidence for the board to consider.

November 29, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, and the Senior Planner.

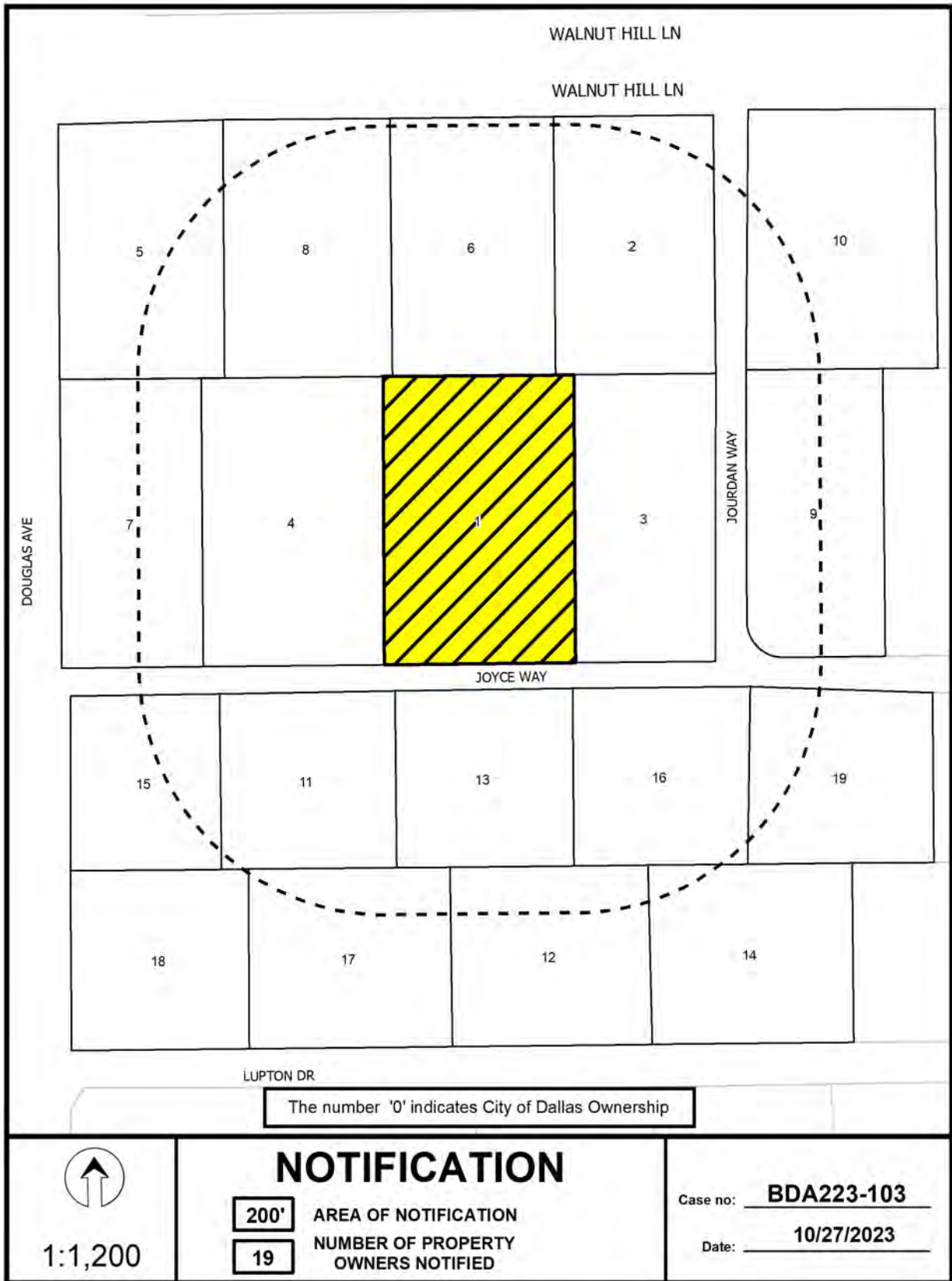


1:1,200

AERIAL MAP

Case no: BDA223-103

Date: 10/27/2023



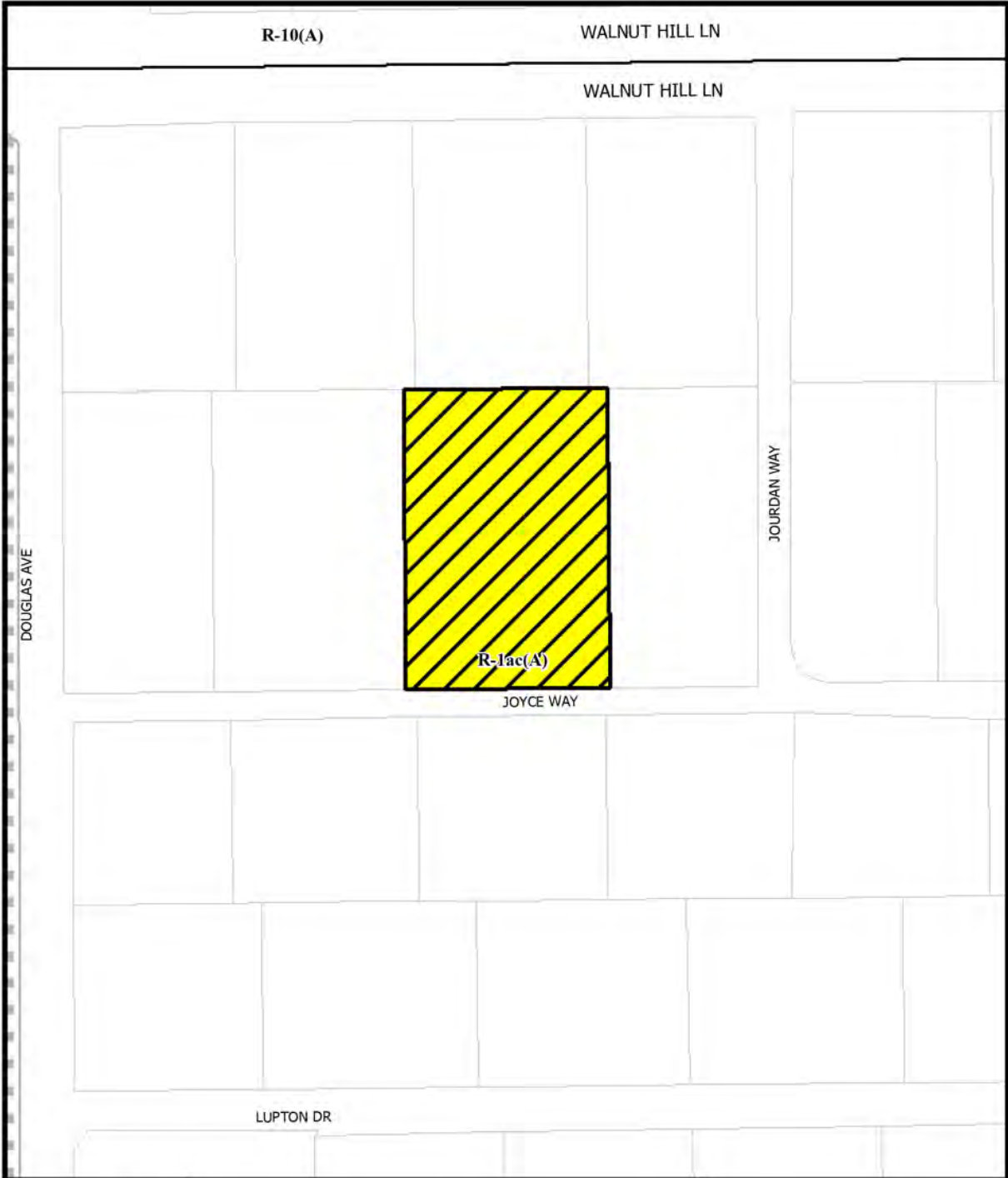
1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-103**

Date: **10/27/2023**



1:1,200

ZONING MAP

Case no: BDA223-103

Date: 10/27/2023

1
10/27/2023

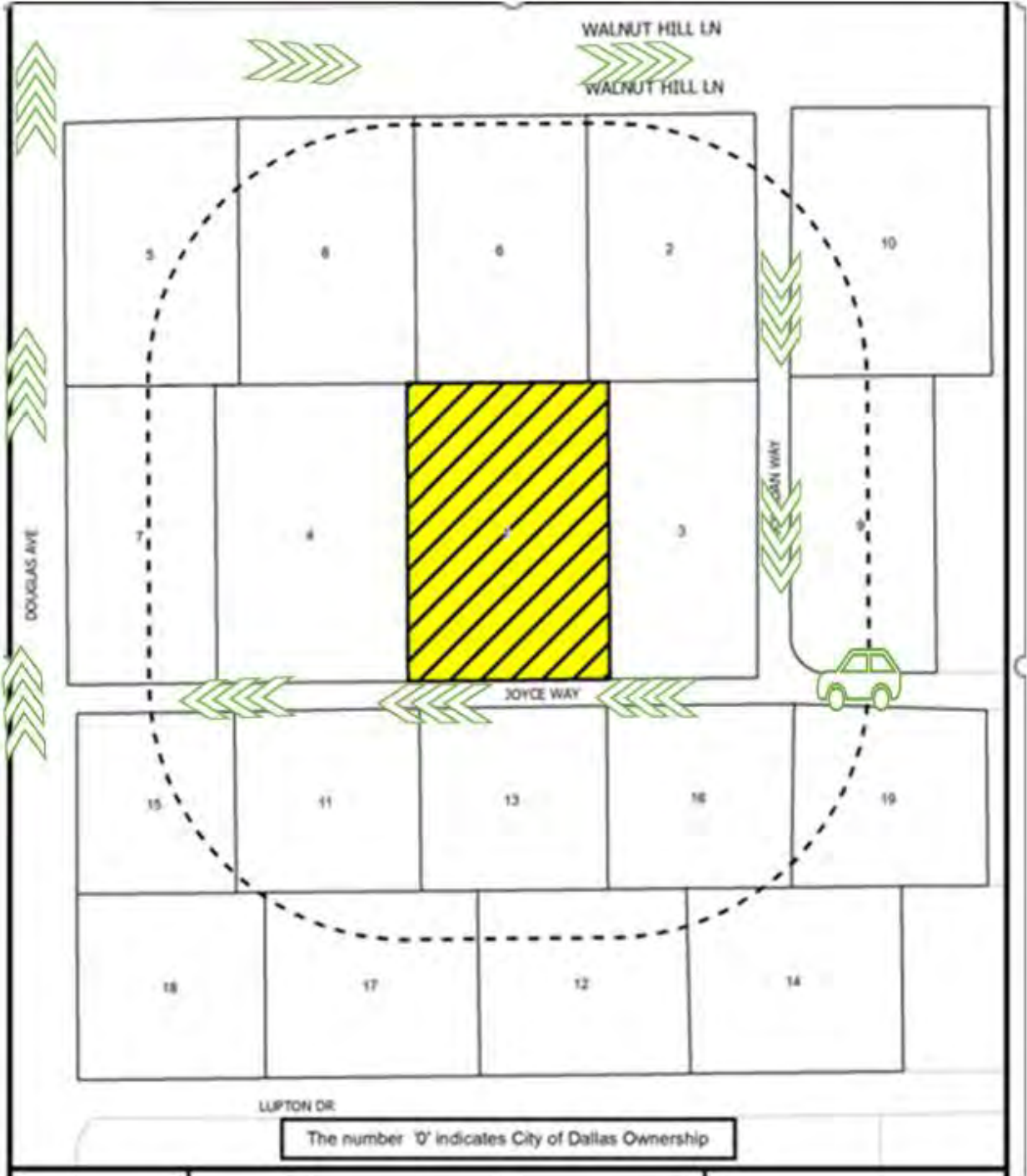
Notification List of Property Owners

BDA223-103

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5829 JOYCE WAY	RAHMFALK FAMILY TRUST
2	9669 JOURDAN WAY	ZBH JOURDAN WAY LLC
3	5839 JOYCE WAY	BUTTER ZANE RYAN &
4	5815 JOYCE WAY	CHUNG KEVIN KYUBONG &
5	9646 DOUGLAS AVE	LR TRADING LLC
6	5826 WALNUT HILL LN	OECONOMY123 LLC
7	5807 JOYCE WAY	MATISE HOYT R
8	5816 WALNUT HILL LN	PAYNENABORS COLLEEN JENETH
9	9606 JOURDAN WAY	POWER WILLIAM V & KATHLEEN H
10	5906 WALNUT HILL LN	YARBROUGH HARRIETT HARRIS
11	5814 JOYCE WAY	BATES DAVID M &
12	5837 LUPTON DR	GLOSSER GREGORY CHARLES &
13	5828 JOYCE WAY	SWANGO 2010 LIVING TRUST
14	5845 LUPTON DR	MILLER JOSHUA & BRIDGET
15	5806 JOYCE WAY	GOELZER PAUL H JR &
16	5838 JOYCE WAY	MEIER WILLIAM W III &
17	5823 LUPTON DR	MAST RICHARD &
18	5807 LUPTON DR	GLORIA & HUBERT WATSON JR
19	5906 JOYCE WAY	WEBER LOUIS J JR

200' Radius Video Route



Residence for
Mr. and Mrs. Charles Rahm & Cindy Falk
5829 Joyce Way Dallas, Texas 75225



J Wilson Fuqua and Associates Architects
www.wilsonfuqua.com 3618 Fairmount Street Dallas Texas 75219 Ph. 214 528 4665



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

FDR **RECEIVED**

Data Relative to Subject Property: _____

Date: _____

FOR OFFICE USE ONLY
SEP 11 2023
REC'D

Location address: 5829 Joyce Way

Zoning District: R-1ac(A)

Lot No.: _____ Block No.: 5610

Acreage: 0.8250

Census Tract: 206

Street Frontage (in Feet): 1) 158'

2) _____

3) _____

4) _____

5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Rahm-Falk Family Trust

Applicant: Charles H Rahm

Telephone: 214-236-8078

Mailing Address: 5829 Joyce Way

Zip Code: 75225

E-mail Address: charlesrahm@icloud.com

Represented by: same

Telephone: _____

Mailing Address: _____

Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of approx 0.76' of west property line setback of 10' per Sec 51A-4.402 Minimum Side Yard, (b) Side Yard Provisions for residential Districts; Zone R-1ac(A) 4.402 Min Side Yard (1) Single Family Structure Per Sec 51A-4.402 (b)(1): Our eastern side yard exceeds 50' to property line and per (b)(1)(A) our western neighbor's structure exceeds 10' to line

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:

Per the previously cited rule, we meet the conditions allowing the zoning commission to approve the plan as drawn. The purpose of the garage extension is to shelter, provide security, and declutter the driveway of vehicles. The continuation to the existing garage western wall on one plane will provide more usable interior 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

Charles H Rahm

(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:

Charles H Rahm

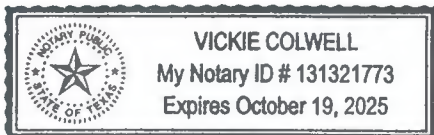
(Affiant/Applicant's signature)

Subscribed and sworn to before me this

11th day of September, 2023

Vickie Colwell

Notary Public in and for Dallas County, Texas





AFFIDAVIT

Appeal number: BDA 223-103

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

at: 5829 Joyce Way, Dallas, TX 75225
(Address of property as stated on application)

Authorize: Charles H Rahm
(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: Home is deeded Rahm-Falk Family Trust. Charles H. Rahm is my husband and is representing us asking for a 0.76' variance of the western property line for our garage expansion.

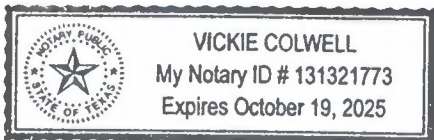
Cynthia S. Falk
Print name of property owner or registered agent

Cynthia S. Falk
Signature of property owner or registered agent

agent Date 09/11/2023

Before me, the undersigned, on this day personally appeared Cynthia S. Falk

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 11th day of September, 2023



Commission expires on 10.19.25

SHIPPED DATE: 6-20-94 RECEIVED DATE: 9-16-94

CITY OF DALLAS PLAT BOOKS

ANNEXED APRIL 16, 1945 ORD. NO. PRESTON HOLLOW SURVEY JOHN HOWELL ABST. 580

ADDITION _____

BLOCKS 5610-5611-5612-5613

SCALE 100 FT. EQUALS 1 INCH

PHA 11-19-86

SCHOOL DIST. DALLAS

FILED 4-24-45 8608 LUPTON AVENUE LOT 1 BLK. 5610
FILED 10-28-86 5608 LUPTON AVE. ADDN. LOT 9 BLK. 5613



BDA 223-103

5829 JOYCE WAY, DALLAS

Search result

Base Zoning

Zone District	R-1ac(A)
PD Number	
CD Number	
Common Name	
Case Number	Transition
Council Date	7/17/1989
Ordinance Number	19455
Resolution Number	870470

Zoom to 1 of 2

60 m / 200 ft

Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap contributors, Microsoft, Esri, HERE, Garmin, Swire, GeoTechnology, Inc., Mapbox, NASA, USGS, EPA, NPS, US Census, Powered by Esri

Selected features: 1

BDA223-103

SHIPPED DATE: 6-20-94 RECEIVED DATE: 9-16-96

CITY OF DALLAS PLAT BOOKS

ANNEXED APRIL 16, 1945 ORD. NO. PRESTON HOLLOW ADDITION
SURVEY JOHN HOWELL ABST. 580

SCALE 100 FT. EQUALS 1 INCH PHA II-19-86

BLOCKS 5610-5611-5612-5613

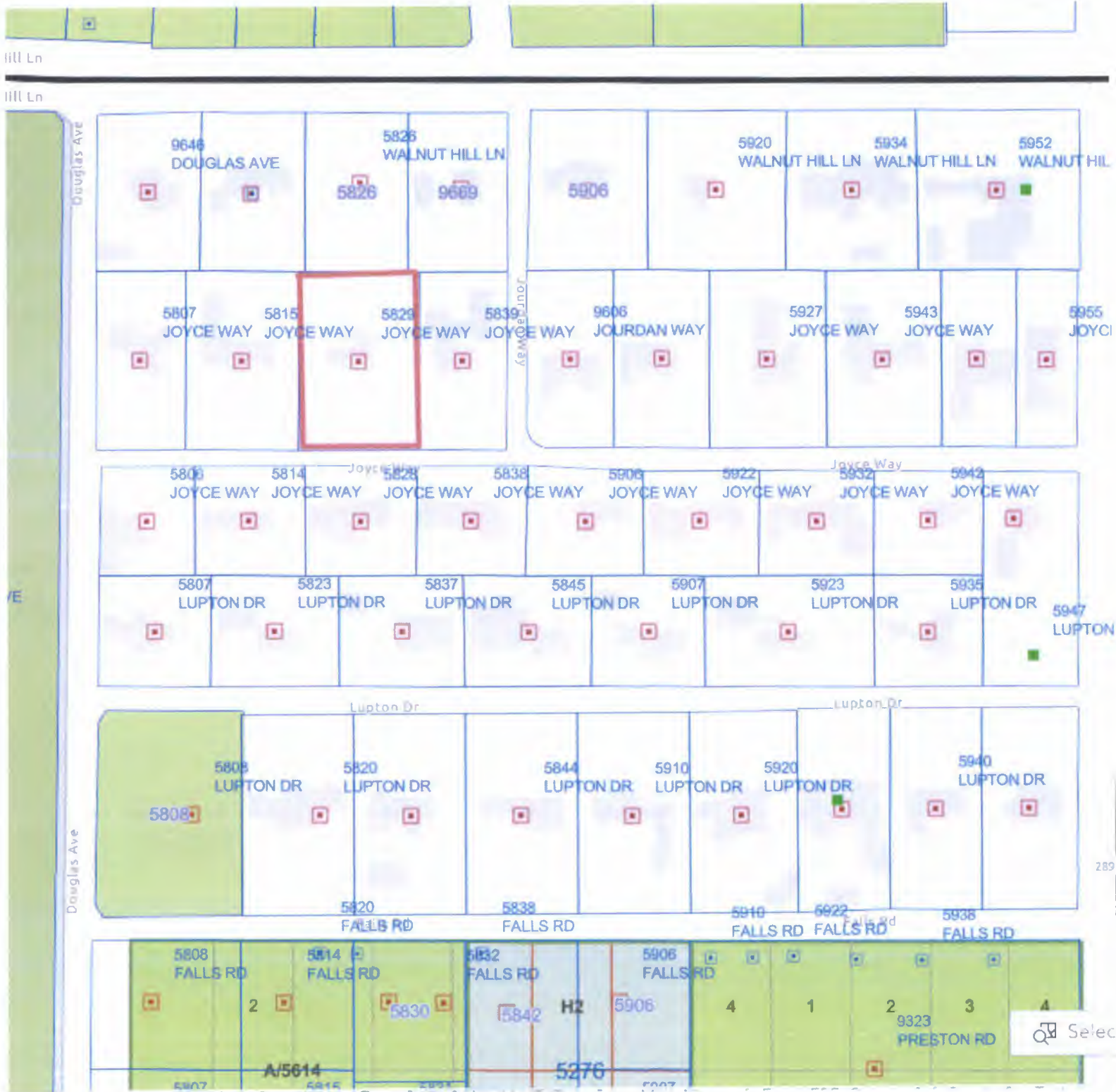
SCHOOL DIST. DALLAS

FILED 6-24-86 5808 LUPTON AVENUE LOT 1 BLK. 5613
FILED 10-28-86 5808 LUPTON AVE. ADDN. LOT 9 BLK. 5613

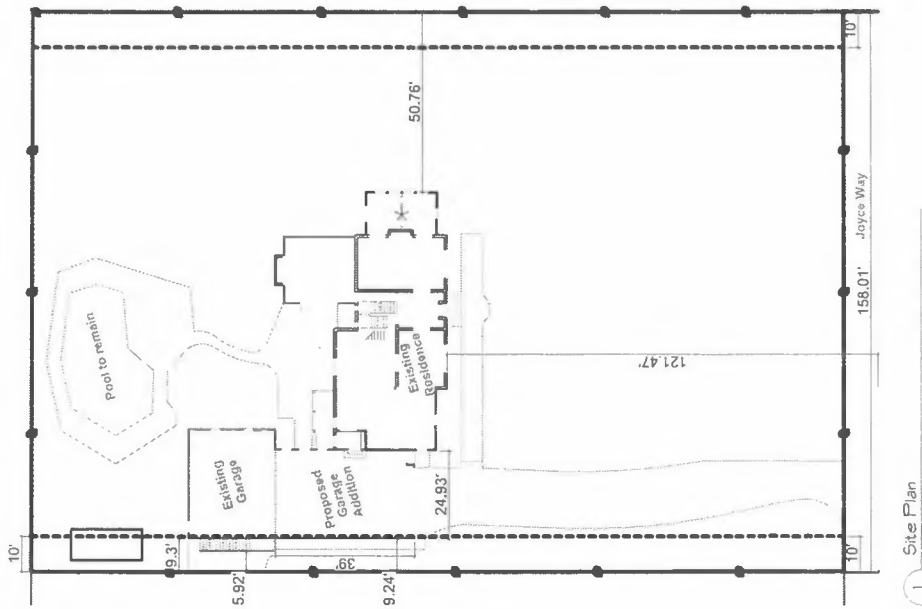


5609

BD223-103



BDA223-103



1 Site Plan
10/22/2022

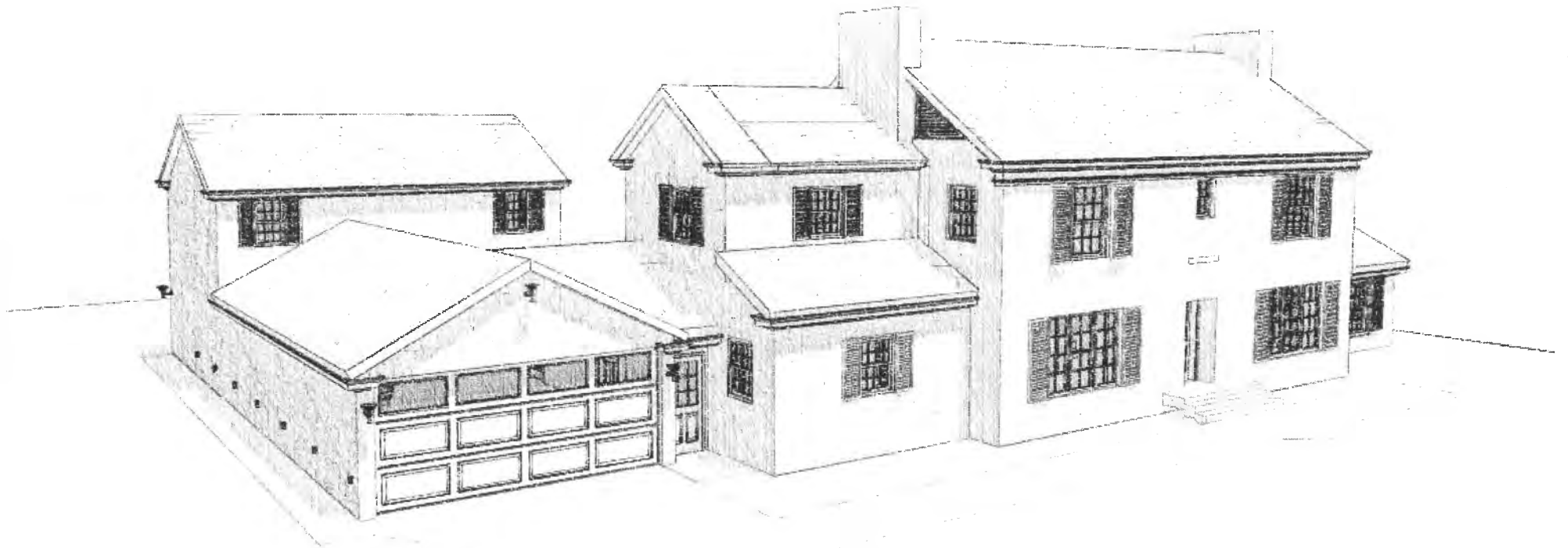
ISSUE	DATE	REMARKS



Site Plan
 Architects/Engineers
 Mrs. and Mrs. Charles Rubin & Clyde Falk
 2525 Joyce Way, Suite 103, Jacksonville, Florida 32225
 FLO/PA Architects (RE) S.C. No. 110992
 A1.03

BDA 223-103

Residence for
Mr. and Mrs. Charles Rahm & Cindy Falk
5829 Joyce Way Dallas, Texas 75225



J Wilson Fuqua and Associates Architects

www.wilsonfuqua.com

3618 Fairmount Street Dallas Texas 75219

Ph. 214 528 4663

'SURVEY PLAT'

LR TRADING LLC
CC# 201700086837
D.R.D.C.T.

LR TRADING LLC
CC# 201600069841
D.R.D.C.T.

BOUNDARY LINE AGREEMENT
VOLUME 4426, PAGE 45
D.R.D.C.T.

LR TRADING LLC
CC# 201800069837
D.R.D.C.T.

S 89°59'04" E 150.26'

FND 1/2" I.R. (C.M.)

FND 1/2" I.R. (C.M.)

(POOL REMOVED
IN 2020)

BLOCK 5610
34,340 SQ. FT.
(0.788 ACRES)
(MEAS.)

HOYT R. MATISE AND WIFE,
PATRICIA B. MATISE
VOLUME 69178, PAGE 1306
D.R.D.C.T.

SERIES C MAPKA PRO
CC# 2017002
D.R.D.C.T.

**TWO STORY
BRICK & FRAME
RESIDENCE
NO. 5815**

N 00°04'54" W 228.83'

S 00°02'04" E 228.53'

**POINT OF
BEGINNING**

FND 1" I.P. (C.M.)

FND 1/2
S 34°50'

S 89°54'00" W 150.07'
REF. BRG. (PER DEED) (DEED=150.00')

JOYCE WAY

SEC. 51A-4.402. MINIMUM SIDE YARD.

copy

(1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard.

(2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback.

(A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line.

(3) Reserved.

(4) A unitary air conditioning unit may be located in the required side yard, but not nearer than three feet to the property line.

(5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days.

(b) Side yard provisions for residential districts.

(1) In a single family district, one required side yard may be reduced below the setback required in this section, if the other side yard is increased to at least double the side yard required in this section, subject to the following conditions:

(A) The minimum side yard between structures on contiguous lots must not be less than the minimum side yard required in this section.

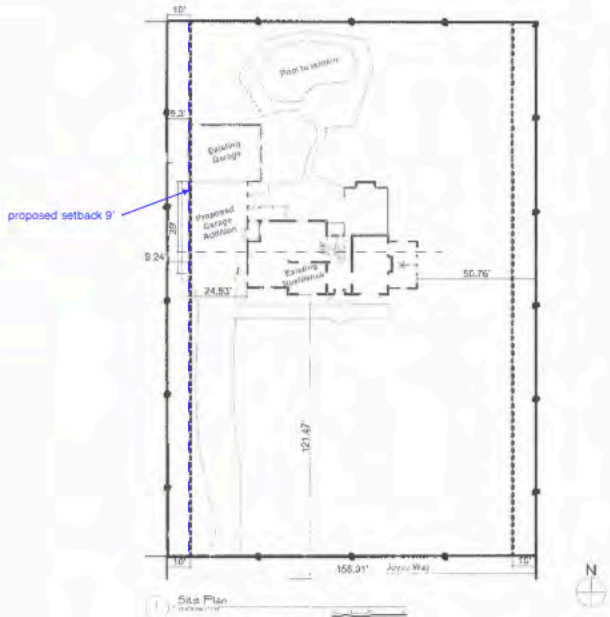
(B) To reduce the required side yard, a subdivision plat must be approved by the commission and filed with the county clerk showing the location of all building lines, and showing the proposed distances between the building lines and property lines, streets lines and alley lines.

(C) A person may not erect an accessory structure except for a swimming pool and its appurtenances in the double side yard.

(2) Reserved.

(3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use, including a generator, if the structure:

11/17/2013 10:58 AM 10/17/2013 10:58 AM 10/17/2013 10:58 AM



Site Plan



DATE	BY	REVISION

305 and New Classes Street @ Clark Park 10/17/2013 10:58 AM	A1.03
--	-------

FILE NUMBER: BDA223-105(DB)

BUILDING OFFICIAL'S REPORT: Application of Nikie Kiani to appeal the decision of the administrative official at 915 Monte Vista Dr. This property is more fully described as Block 26/2226, Lot 22, and is zoned CD-6, which requires compliance with conservation district architectural standards. The applicant proposes to (1) appeal the decision of an administrative official in the denial of a CD work certificate.

LOCATION: 915 Monte Vista Dr.

APPLICANT: Nikie Kiani

REQUEST:

A request is made to appeal the decision of the administrative official, more specifically, the Building Official's authorized representative, the Chief Planner of Conservation Districts. The Chief Planner of Conservation Districts denied application CD22071601 to paint previously unpainted brick.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

Site: CD-6 (Subdistrict tract 1)

North: CD-6 (Subdistrict tract 1)

South: CD-6 (Subdistrict tract 1)
East: CD-6 (Subdistrict tract 1)
West: CD-6 (Subdistrict tract 1)

Land Use:

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes.

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

September 13, 2023: The applicant was sent a denial letter for CD22071601 application to paint previously unpainted brick.

September 29, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

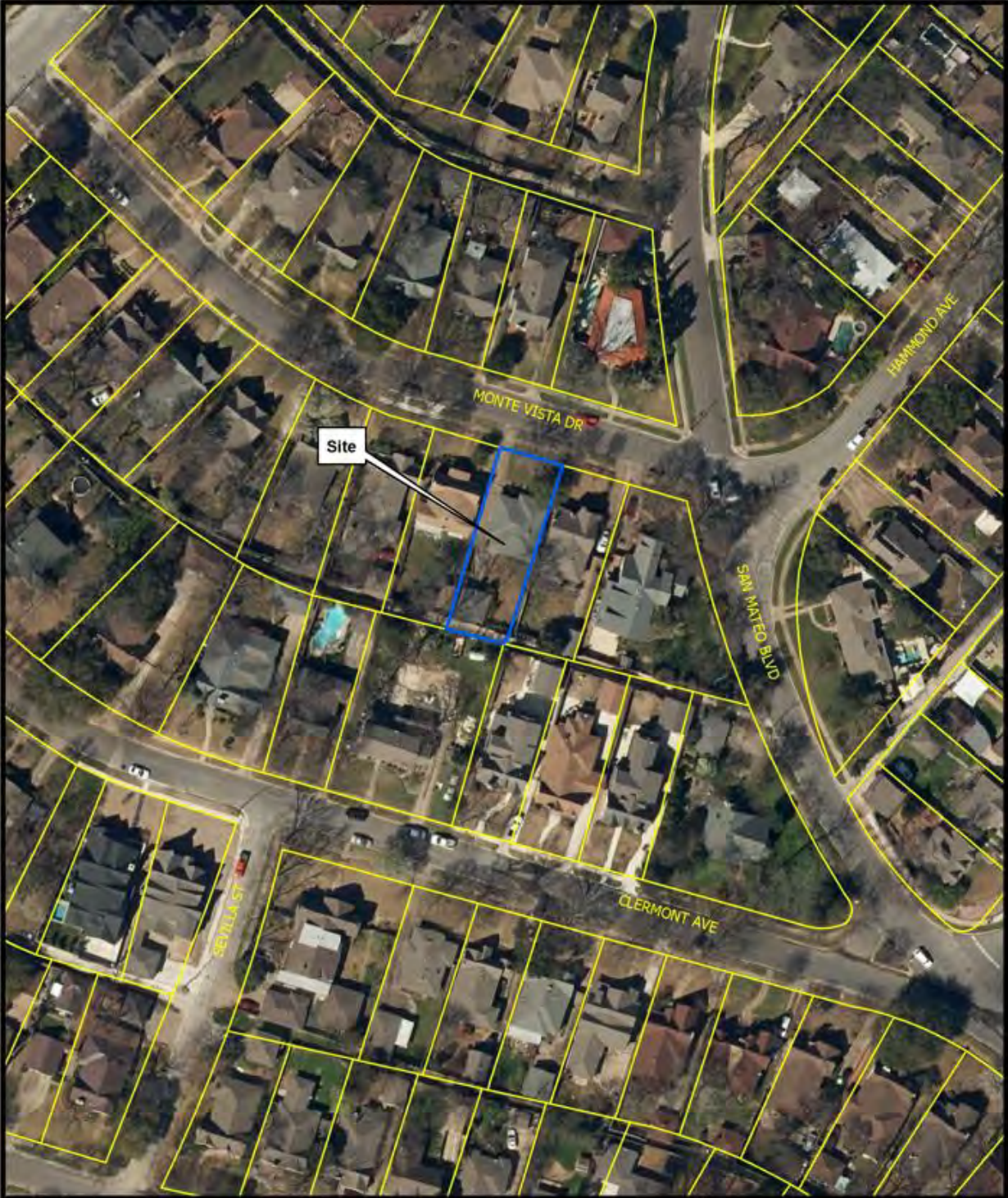
October 26, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel **C**.

October 26, 2023: The Senior Planner emailed the applicant’s representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November, 20th deadline to submit additional evidence for staff to factor into their analysis; and the December 1, 2023 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and

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

November 22, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.



1:1,200

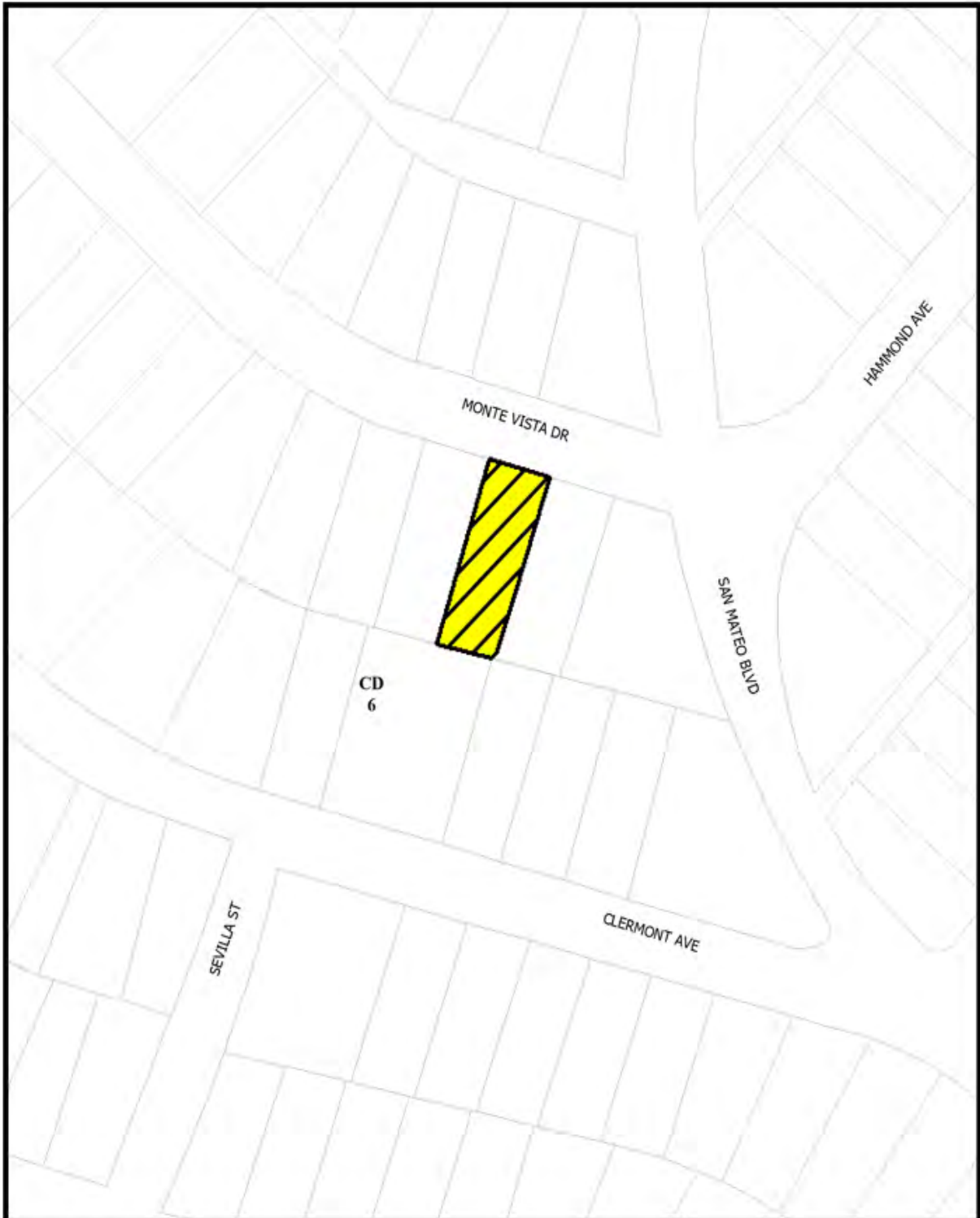
AERIAL MAP

Case no: BDA223-105

Date: 10/27/2023



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">26</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	26	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA223-105 Date: 10/27/2023
200'	AREA OF NOTIFICATION					
26	NUMBER OF PROPERTY OWNERS NOTIFIED					



1:1,200

ZONING MAP

Case no: BDA223-105

Date: 10/27/2023

1
10/27/2023

Notification List of Property Owners

BDA223-105

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	915 MONTE VISTA DR	MENDETTA MICHAEL &
2	1003 CLERMONT AVE	CARPENTER JEREMY & ANGELA
3	1007 CLERMONT AVE	GEREN WILLIAM
4	1011 CLERMONT AVE	WHISLER MEGAN
5	1006 CLERMONT AVE	BUCHANAN TIMOTHY RYAN & HANNAH
6	916 CLERMONT AVE	THOMPSON AIMEE E &
7	912 CLERMONT AVE	DODDS DAVID ALLEN &
8	904 CLERMONT AVE	THOMPSON CODY LANE &
9	823 MONTE VISTA DR	MIMS E DIANE
10	903 MONTE VISTA DR	MARANITCH SHELLEY RENE
11	907 MONTE VISTA DR	PUTERBAUGH ANNA
12	911 MONTE VISTA DR	HOLMAN JOHN H
13	919 MONTE VISTA DR	BURNETT STEPHEN &
14	1010 CLERMONT AVE	WARREN JOHN N & KIMBERLY A
15	1014 CLERMONT AVE	RUST JAMES S & EDEN A
16	923 MONTE VISTA DR	GETMANENKO STANISLAV &
17	1018 CLERMONT AVE	SKINNER WINSTON PATRICK M &
18	1028 CLERMONT AVE	KILLAM CLAYTON H
19	918 MONTE VISTA DR	HUGHES JAMES W II
20	910 MONTE VISTA DR	SIMMONS SEAN A &
21	908 MONTE VISTA DR	HASTEN JESSICA A
22	902 MONTE VISTA DR	HUMPHRIES CAROLINE
23	820 MONTE VISTA DR	MAHAR FAMILY LIVING TRUST THE
24	6710 SAN MATEO BLVD	DURBIN NORMAN E
25	6802 HAMMOND AVE	CHAMBLISS MATTHEW B & KARI O
26	6807 HAMMOND AVE	WEAVER LYNDA LEE

City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

FOR OFFICE USE ONLY

Data Relative to Subject Property: Code Violation

Date: FOR OFFICE USE ONLY

Location address: 915 Monte Vista Dr

Zoning District: CD 12 K 1

Lot No.: 22 Block No.: 242224 Acreage: 0.16

Census Tract:

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

RECEIVED SEP 14 2023 BY: [Signature]

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Michael Mendetta & Nikie Kiani

Applicant: Nikie Niboufar Kiani Telephone: 202 999 6619

Mailing Address: 915 Monte Vista Dr Dallas Zip Code: 75223

E-mail Address: nrkiani@yahoo.com

Represented by: NA Telephone: NA

Mailing Address: Zip Code:

E-mail Address: NA NA

Affirm that an appeal has been made for a Variance or Special Exception of painted brick Appeal the decision of the building official

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 paint is difficult or impossible to remove without damaging the brick and the outcome will not look or be clean and uniform and appearing to the eye

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.

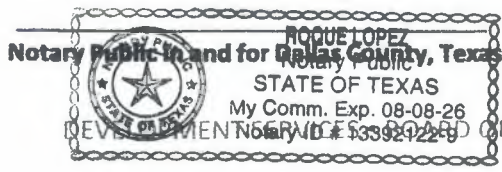
Affidavit

Before me the undersigned on this day personally appeared Nikie Kiani (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 14th day of September, 2023



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that NIKIE KIANI

did submit a request to (1) appeal the decision of the administrative official
at 915 Monte Vista Dr.

BDA223-105(DB) Application of Nikie Kiani to appeal the decision of the administrative official at 915 Monte Vista Dr. This property is more fully described as Block 26/2226, Lot 22, and is zoned CD-6, which requires compliance with conservation district architectural standards. The applicant proposes to (1) appeal the decision of an administrative official in the denial of a CD work certificate.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-105

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

at: 915 Monte Vista Dr Dallas TX 75223
(Address of property as stated on application)

Authorize: Nikie Niloufar Kiani
(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)

NK Variance (specify below)
 Special Exception (specify below)

NK Other Appeal (specify below)

Specify: Painted Brick - Appeal decision of
the building official.

Michael Mendetta
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

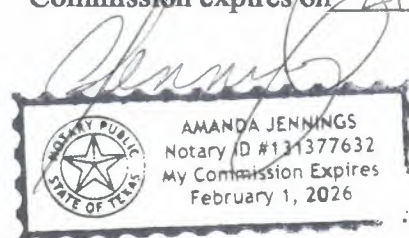
Date 9/18/2023

Before me, the undersigned, on this day personally appeared Michael Mendetta

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

Subscribed and sworn to before me this 18th day of September, 2023

Commission expires on 2/1/2026





CITY OF DALLAS

September 13, 2023

CERTIFIED MAIL NO. 70060810000355296105

Ms. Nikie Kiani
6915 La Marquet Dr
Dallas, TX 75248

RE: Denial of CD22071601 application to paint previously unpainted brick

Dear Ms. Kiani,

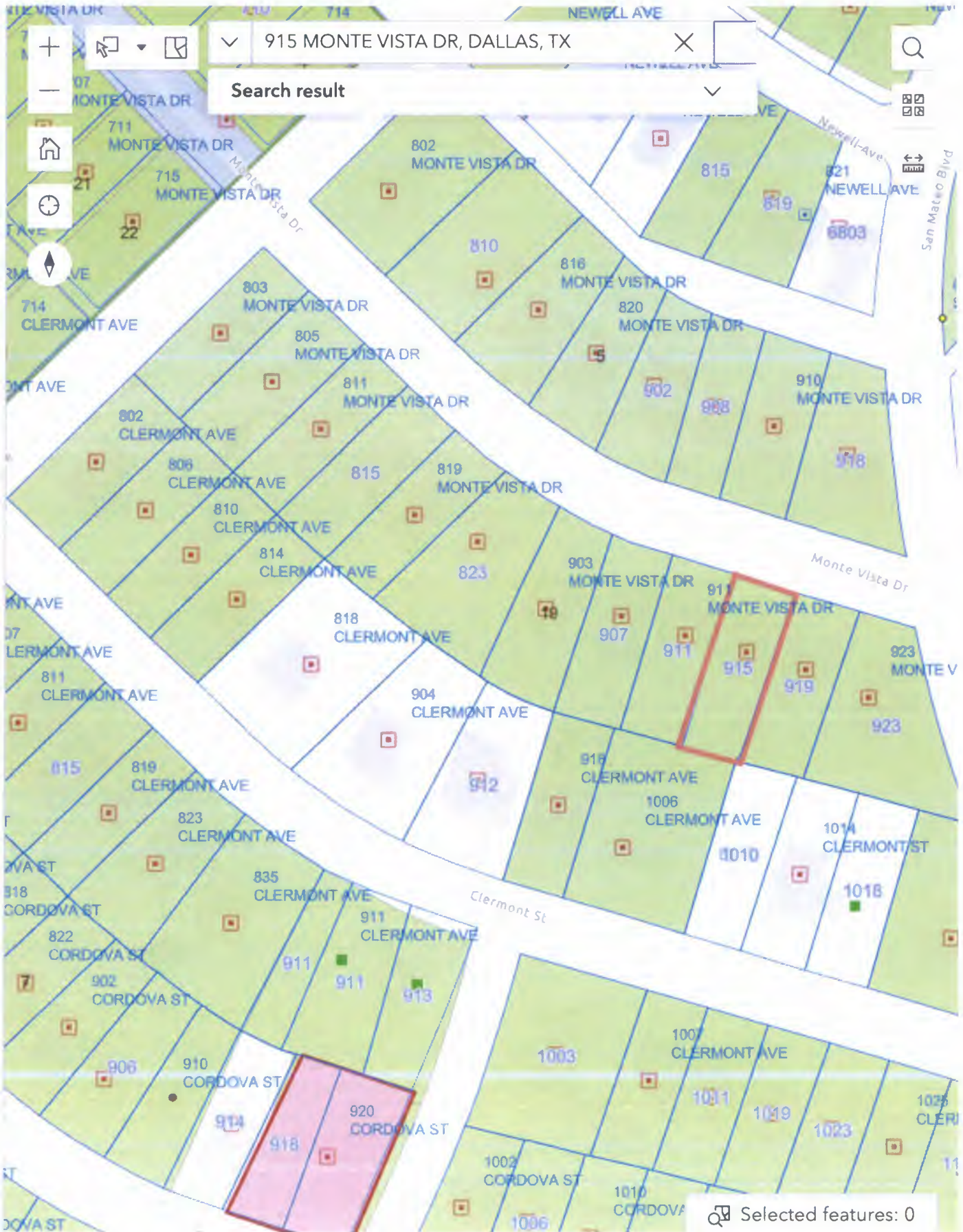
Your application to paint the previously unpainted brick has been denied based on the application and documentation provided. You may appeal this decision to the Board of Adjustment pursuant to Ordinance 26884(12). In considering the appeal, the sole issue before the Board of Adjustment is whether the Director erred in the decision to deny your application. The Board of Adjustment shall consider the standards that were required when the review was done. The board may not vary the provisions and intent of this ordinance unless the ordinance specifically provides for such a variance, per Ord. 26884(12)(e). The enclosed CD work certificate contains sections of the ordinance pertinent to the denial of your application.

You have twenty (20) days from the date of the denial to file your appeal with the Board of Adjustment. Any questions related to an appeal should be directed to Nikki Dunn, Chief Planner for the Board of Adjustment, whose contact is (214)948-4366 or sheniqua.dunn@dallas.gov, or Diana Barkume, Senior Plans Examiner, at (214)942-4364 or diana.barkume@dallas.gov.

Respectfully,

Trevor A. Brown
Chief Planner, Conservation Districts

Enclosure
CD Certificate of Denial



FILED: SEPTEMBER 9, 1924

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2718

9
2217

ABST. 1094
ABST. 999

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2216

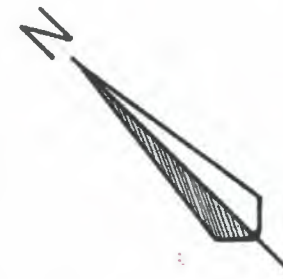
5
2213

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2212

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2209



ABST. 1094
ABST. 999



BDA 223-105

FILE NUMBER: BDA223-FR01

BUILDING OFFICIAL'S REPORT: Application of Nikie Kiani to appeal the decision of the administrative official at 915 Monte Vista Dr.

LOCATION: 915 Monte Vista Dr.

APPLICANT: Nikie Kiani

REQUESTS:

The applicant is requesting a fee reimbursement for an appeal the decision of the administrative official.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.