



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234 **RECEIVED**  
 Date: **FOR OFFICE APR 23 3 REC'D**  
 BY: \_\_\_\_\_

Data Relative to Subject Property: \_\_\_\_\_  
 Location address: 5404 Falls Rd Zoning District: R-1A City  
 Lot No.: 2A Block No.: 3/5604 Acreage: 2.37 Census Tract: 48113020600  
 Street Frontage (in Feet): 1) 251.88 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Joseph Theodore Nicosia and Jeanna Marie Nicosia

Applicant: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586, Dallas TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Represented by: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586, Dallas TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Affirm that an appeal has been made for a Variance  or Special Exception  of fence height regulations  
to allow a 7'9" fence in a required 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:  
The proposed fences (4.5' wrought iron with 6' masonry columns and entry feature up to 7'9" along the front and 6' wooden fence along the western property line) will not adversely affect surrounding properties as many other properties already have fences taller than 4'.

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 Jennifer Hiromoto

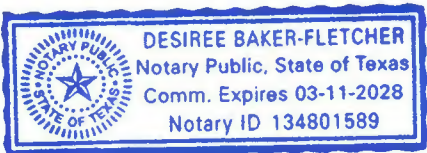
(Affiant/Applicant's name printed)

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: Jennifer Hiromoto  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 22<sup>nd</sup> day of April, 2024

Desiree Baker-Fletcher  
Notary Public in and for Dallas County, Texas





## Posting of Notification Sign

Address: 5404 Falls Rd

BDA Number 234-074

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

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

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

Feet of each frontage: 251.8

-or-

Number of acres: 2.37

Number of signs received: 1

4/23/24

Date

[Signature]

Signature of applicant

Intake

**Board of Adjustment Prescreen Checklist**

Reviewer: Nora G. Date: 4/12/24

Referred By: \_\_\_\_\_

Applicant: Jennifer Hiromoto Ph #: \_\_\_\_\_ email: \_\_\_\_\_

Property Address: 5408 Falls Dr.

Zoning: R-1AC Lot: 2A Block: 3/5604 Acres: 2.37

Conservation/Historic District: \_\_\_\_\_

Land Use: \_\_\_\_\_ Is use allowed? Yes No

County Plat? Yes No Legal Build Site: \_\_\_\_\_

Street frontage: 1.) 252' 2.) \_\_\_\_\_ 3.) \_\_\_\_\_ 4.) \_\_\_\_\_

Corner lot: \_\_\_\_\_ Double frontage: \_\_\_\_\_

Utilities/Easements/Dedications/Thoroughfare: \_\_\_\_\_

Permit: \_\_\_\_\_

	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Front yard setback:	<u>40'</u> MIN.	_____	Lot coverage:	_____ MIN.	_____
Side yard setback:	<u>10'</u> MIN.	_____	Height:	_____ MIN.	_____
Rear yard setback:	<u>10'</u> MIN.	_____	Lot size:	_____ MIN.	_____
Parking:	_____ MIN.	_____			

**Accessory/Additional dwelling**

	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Side yard setback:	_____ MIN.	_____	Sq ft.:	_____ MIN.	_____
Rear yard setback:	_____ MIN.	_____	Height:	_____ MIN.	_____

Notes: SE of 3' 9" to fence height

Affidavits

**DA23A-074**



AFFIDAVIT

Appeal number: BDA 234 074

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

at: 5404 Falls Road  
(Address of property as stated on application)

Authorize: Jennifer Hiromoto  
(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: Fence height

Joseph Nicosia  
Print name of property owner or registered agent

Joseph Nicosia  
Signature of property owner or registered agent

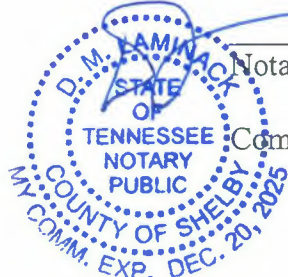
Date 4/5/2024

Before me, the undersigned, on this day personally appeared Joseph Nicosia

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 5<sup>th</sup> day of April, 2024

[Signature]  
Notary Public for Dallas County, Texas  
Commission expires on 12/20/2025





AFFIDAVIT

Appeal number: BDA 234-074

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

at: 5404 Fallas Road  
(Address of property as stated on application)

Authorize: Jennifer Hiromoto  
(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: Fence height

Joseph Nicosia  
 Print name of property owner or registered agent  
 Date 4/5/2024

Joseph Nicosia  
 Signature of property owner or registered agent

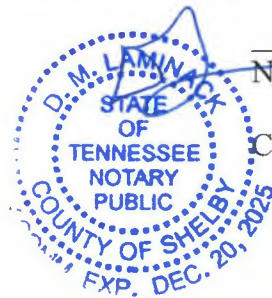
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Subscribed and sworn to before me this 5<sup>th</sup> day of April, 2024

Da Jai  
 Notary Public for Dallas County, Texas

Commission expires on 12/20/2025





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-074

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

at: 5404 Falls Road  
(Address of property as stated on application)

Authorize: Jennifer Hiromoto  
(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: Fence height

Jeanna Marie Nicosia  
Print name of property owner or registered agent

Jeanna Marie Nicosia  
Signature of property owner or registered agent

Date 4/5/2024

Before me, the undersigned, on this day personally appeared Jeanna Marie Nicosia

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 5th day of April, 2024

D. M. Lawin  
Notary Public for Dallas County, Texas

Commission expires on 12/20/2025





AFFIDAVIT

Appeal number: BDA 234-074

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

at: 5404 Falls Road  
(Address of property as stated on application)

Authorize: Jennifer Hiromoto  
(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: Fence height

Jeanna Marie Nicosia  
Print name of property owner or registered agent

Jeanna Marie Nicosia  
Signature of property owner or registered agent

Date 4/5/2024

Before me, the undersigned, on this day personally appeared Jeanna Marie Nicosia

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 5<sup>th</sup> day of April, 2024



Dr. J. J. [Signature]  
Notary Public for Dallas County, Texas

Commission expires on 12/20/2025

COPIED DATE: 7-17-96 RECEIVED DATE: 6-18-96

CITY OF DALLAS PLAT BOOKS

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

ADDITION PRESTON HOLLOW (PART)

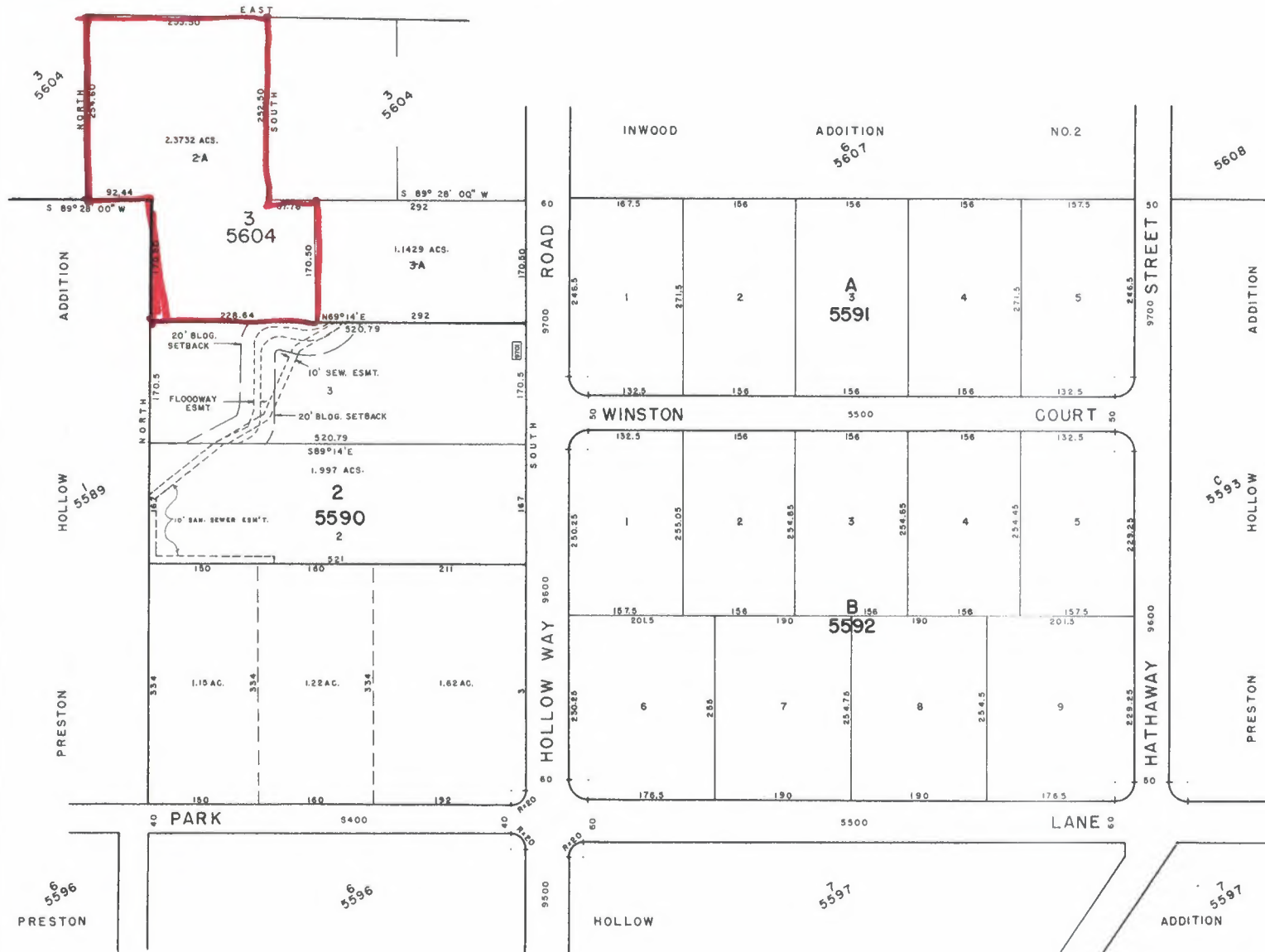
BLOCKS 2 5590 A 5591 B 5592 3PT 5604

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS

FILED: 5-19-69 Replat LOT 2, BLK. 2/5590 FILED: 8-4-95 BLK. 2/5590 LT. 3 SMITH'S HOLLOWWAY  
 FILED: 11-7-91 Hollow Full LOTS 2A & 3A, BLK. 3/5604

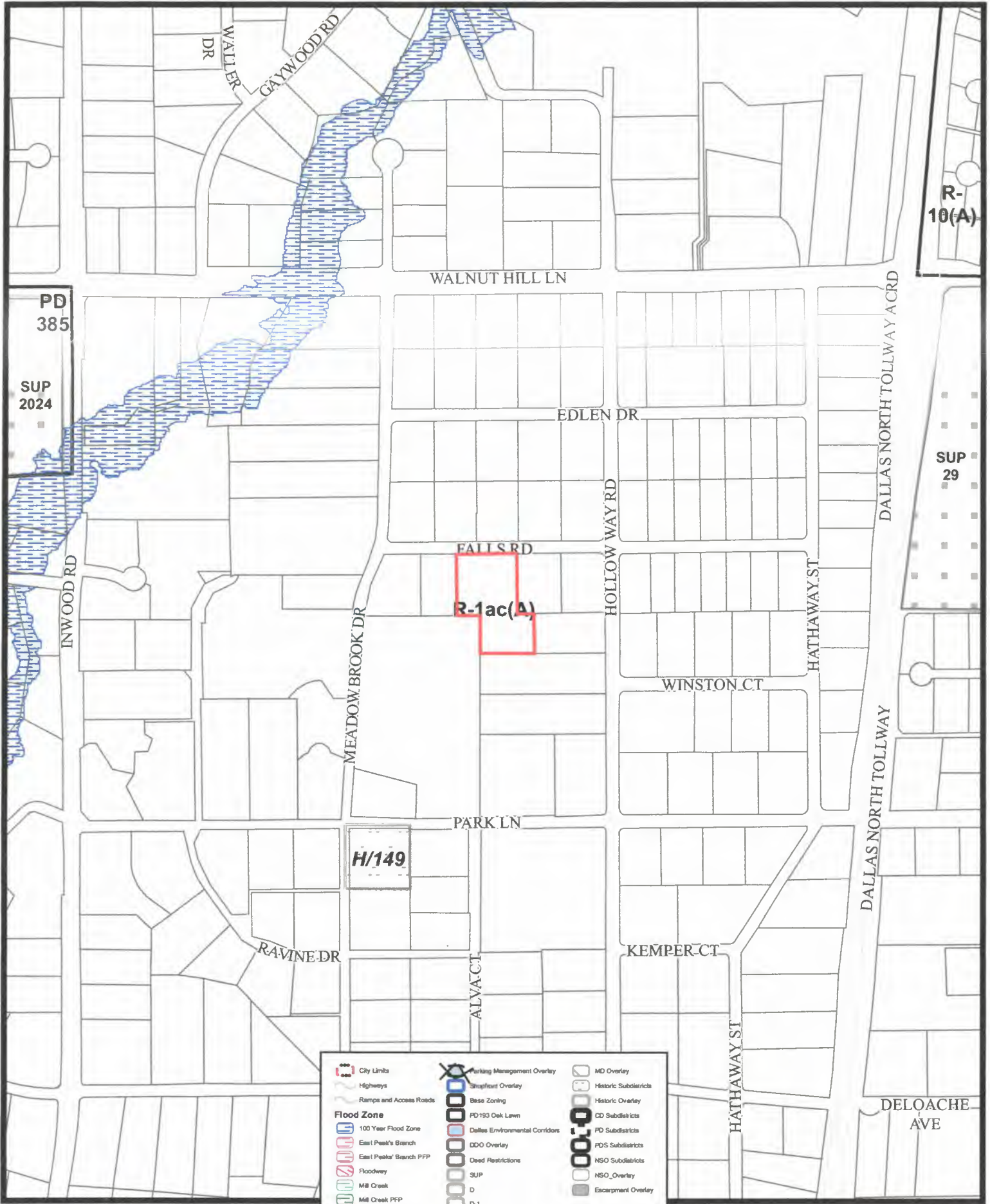
9-23-46



NOTE: RADIUS ON CORNERS ARE 20' UNLESS OTHERWISE NOTED.

BDA234-074





PD 385

SUP 2024

R-10(A)

SUP 29

R-1ac(A)

H/149

Case ID: **BDAD3407A**  
 Printed: 4/4/2024

1:6,000

	City Limits		Parking Management Overlay		MD Overlay
	Highways		Significance Overlay		Historic Subdistricts
	Ramps and Access Roads		Base Zoning		Historic Overlay
	Flood Zone		PD193 Oak Lawn		CD Subdistricts
	100 Year Flood Zone		Dallas Environmental Corridors		PD Subdistricts
	East Peak's Branch		DDO Overlay		PDS Subdistricts
	East Peak's Branch PFP		Deed Restrictions		NSO Subdistricts
	Floodway		SUP		NSO_Overlay
	Mill Creek		D		Escarpment Overlay
	Mill Creek PFP		D-1		
	Peak's Branch		C^		
	Peak's Branch PFP		SP		
	X Protected by Levee				
	Parks				
	Height Map Overlay				

TAX CERTIFICATE



JOHN R. AMES, CTA  
DALLAS COUNTY TAX ASSESSOR/COLLECTOR  
500 Elm Street, Suite 3300  
Dallas, Texas 75202

Issued To:

NICOSIA JOSEPH THEODORE &  
JEANNA MARIE  
5404 FALLS RD  
DALLAS, TX 75220-0000

Legal Description

HOLLOW FALLS ADDITION  
BLK 3/5604 LOT 2A ACS 2.3732  
VOL78040/0769 EX020178  
INT202100061419 DD03042021 CO-DC  
5604 003 02A00 2DA5604 003  
Parcel Address: 5404 FALLS RD, DA  
Legal Acres: 2.3730

Account Number: 005-604-000-302A0000

Print Date: 04/02/2024 01:11:40 PM  
Paid Date: 04/02/2024  
Issue Date: 04/02/2024  
Operator ID: STACY\_LOPEZPUB

Certificate No: 114562

Certificate Fee: \$10.00 CREDIT

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2023, AND THERE ARE NO TAXES DUE ON THIS PROPERTY.

Exemptions:

Certified Owner:

NICOSIA JOSEPH THEODORE &  
JEANNA MARIE  
5404 FALLS RD  
DALLAS, TX 75220-0000

Certified Tax Unit(s):

1002 DALLAS COUNTY  
1021 PARKLAND HOSPITAL  
1031 DALLAS COLLEGE  
1102 DALLAS ISD  
1208 CITY OF DALLAS

2023 Value: 7,120,930  
2023 Levy: \$163,409.75  
2023 Levy Balance: \$0.00  
Prior Year Levy Balance: \$0.00  
Total Levy Due: \$0.00  
P&I + Attorney Fee: \$0.00  
Total Amount Due: \$0.00

Reference (GF) No: N/A  
Issued By: STACY LOPEZ

JOHN R. AMES, CTA  
DALLAS COUNTY TAX ASSESSOR/COLLECTOR



3DA23A-074

BDA23A-074

A.1

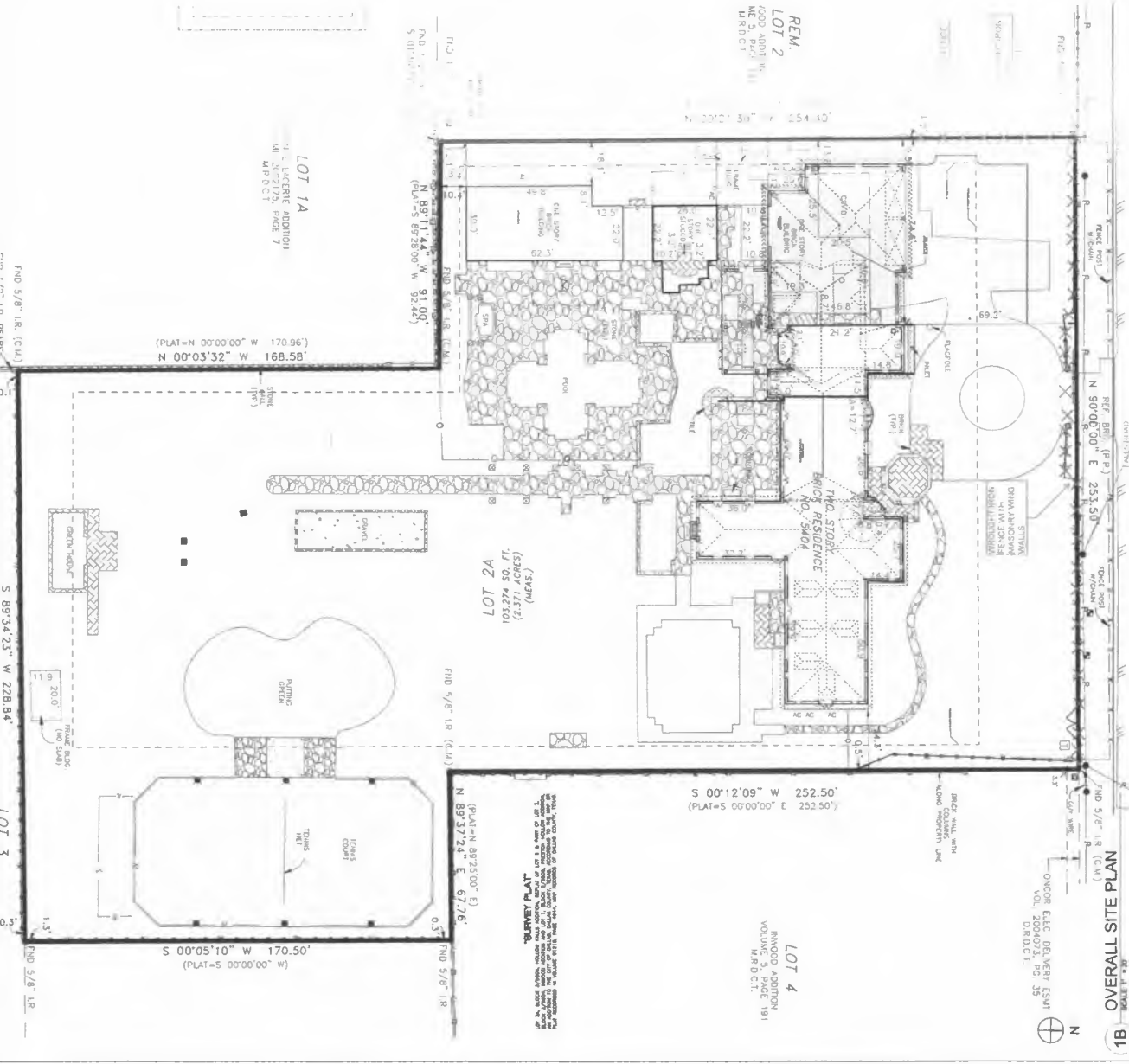
SITE / ROOF PLAN / SURVEY & DETAILS

DATE	03/20/21
SCALE	AS NOTED
DRAWN	
CHECKED	
BY	REVISIONS DATE

Micola Remodel  
5404 Falls Rd  
Dallas, Texas  
214-437-8603



**NOTES:**  
Contractor is responsible for dimensions to be confirmed and completed at the job site. Information that remains solely the contractor's responsibility includes, but is not limited to, construction techniques, methods, materials, and procedures. The contractor shall coordinate the work of all trades and for performing all work in a safe and satisfactory manner.



**Current Planning**  
Zoning District: Residential, RM(C) (A) Single-Family 1, City of Dallas

The site had adjustments in the general guidelines for the proposed project. The project shall be in accordance with the City of Dallas Code for specific details.

**Front Yard**  
Minimum front yard is 40 feet

**Side Yard**  
Minimum side yard is 10 feet single-family structures  
20 feet for other permitted structures

**Rear Yard**  
Minimum rear yard is 10 feet for single-family structures and  
20 feet for other permitted structures

Setbacks may be greater or lesser due to exceptions in the Dallas Development Code. Exceptions include, but are not limited to, planned building setbacks, setbacks for existing structures on the same block.

**Height**  
Maximum structure height is 36 feet

**Dwelling Unit Density**  
No maximum dwelling unit density

**Floor Area Ratio**  
No maximum floor area ratio

**Lot Coverage**  
Maximum lot coverage is 40% for residential structures

**Notes**  
1. Above ground parking structures are included in the coverage calculation.  
2. Surface parking and underground parking structures are not included.

**Lot Size**  
Minimum lot area for residential use is 1 acre

**Stairs**  
No maximum number of stories

**Off-Street Parking**  
See Use Regulations for Off-Street Parking Requirements

**Off-Street Loading**  
See Use Regulations for Off-Street Loading Requirements

**See Article X**  
Architectural Promotions

Unless noted, all signs shall be made of the district as of a single sign. Signs may be included by not more than one electrical utility service and one electrical utility service. The board of appeals may grant an exception to the above requirements if the applicant can demonstrate that one electrical meter on a lot is the most practical in the opinion of the board. The specific exception will be noted.

not be contrary to the public interest and not unduly interfere with neighboring properties and not be used in a way not permitted in the district.

Utility Use  
Utility Use

See all other information about the Yrns Lot and Specific Regulations. Please call Building Inspection 214-481-4160 and ask for zoning.

PROJECT NAME

LANDSCAPE ARCHITECTURAL DRAWINGS FOR:  
**THE NICOSIA RESIDENCE**  
5404 Falls Rd., Dallas, TX

ISSUE TITLE

CONSTRUCTION PLAN

DATE: 3 JULY 2021  
REVISION: 2 APR. 2024

SEAL

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION FOR REVIEW ONLY.

DRAWING TITLE

GRADING AND DRAINAGE PLAN

DRAWN BY  
DESIGNED BY: BB  
CHECKED BY: EC  
DATE: BB

SHEET NUMBER

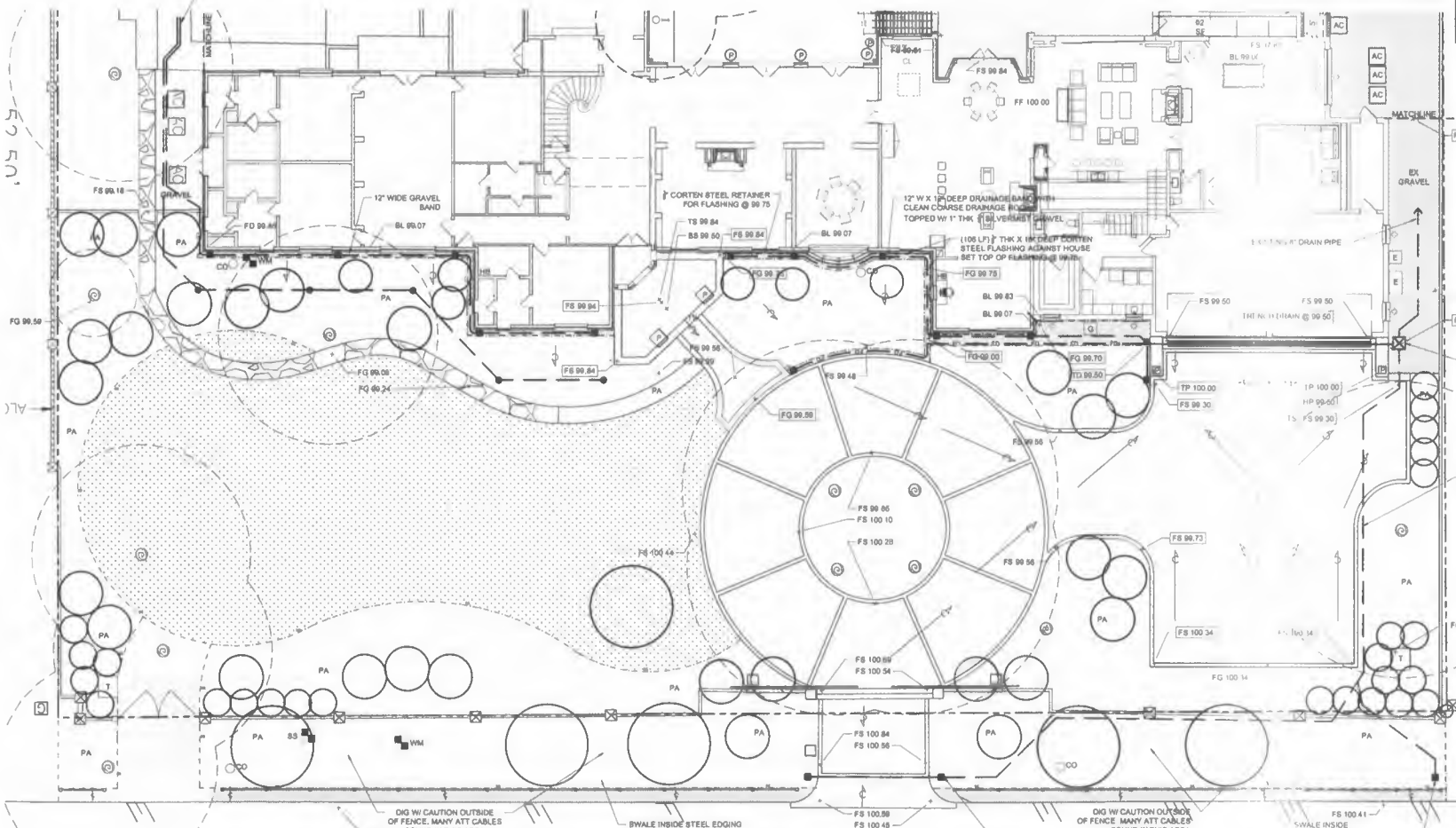
LG-2

**GRADING LEGEND**

- FF Finished Floor
- TW Top of Wall
- BW Bottom of Wall
- TC Top of Curb
- BC Bottom of Curb
- TS Top of Step
- BS Bottom of Step
- FG Finished Grade
- FS Finished Surface
- CP Coping
- LP Low Point
- TP Top of Plaster
- 100 Existing Grade
- 100 Proposed Grade
- 12" Area Drain/Downspout Drain
- 8" Plaster Drain
- French Drain
- Solid Pipe
- Water Flow
- Pop-Up Emitter

**IMPORTANT NOTE**  
THE REWORK FOR IRRIGATION AND DRAINAGE WITHIN THE DRIP LINE OF ANY EXISTING TREE IS SHOWN. SHALL BE DONE BY HAND SO AS TO MINIMIZE ROOT DISTURBANCE. TRENCH UNDER ANY TREE ROOT 2" DIA. OR GREATER. ALL DIG TESS OR SIMILAR SERVICE PRIOR TO DOING ANY DIGGING IN THE FRONT YARD.

TIE THESE DRAIN LINES INTO A CONCRETE CATCH BASIN/ DRAIN JUNCTION BOX W/ BLACK CAST IRON GRATE OVER HEAVY DUTY FILTER FABRIC. THEN CONNECT TO A PREVIOUS INSTALLED 4" DRAIN LINE THAT WAS INSTALLED UNDER/ADJACENT THE NEW TURF AREA.



**FRONT FENCE ELEVATION**  
SCALE: 1/8" = 1'-0"



BDA23A-074

