



## Required material for filing an appeal to the Board of Adjustment

- 2 original "Appeal" forms, filled out, signed, and notarized, stating the specific nature of the appeal requested (variance or special exception), and the reason(s) why the appeal should be granted.
- 2 original "Affidavit" forms, signed and notarized. Required only if the owner of the property is not the applicant for the variance or special exception.
- 1 original Certified Warranty Deed for the subject property (obtain from the county).
- 1 original "Tax Certificate" showing taxes have been paid (real & personal) (obtain from the county).
- 1 original Lien Statement showing no city liens on the property (obtain from City Hall, Rm. 2DS).
- 4 copies of the site plan drawn to scale (standard Engineer or Architect scale), showing the entire platted property and all existing and proposed improvements. \*
- 4 copies of elevation drawings drawn to scale. \*
- 4 copies of the floor plan drawn to scale. \*
- 4 copies of the landscape plan drawn to scale specifying size and species of all existing and proposed landscaping. Please contact the city arborist about your landscape or mitigation plan. \*
- 4 copies of the tree survey, drawn to scale. \*
- 4 copies of a parking analysis, drawn to scale, showing all uses, the square footage of all the uses and all the parking to be provided and the required parking. \*
- 3 copies of a site zoning map (outline property in RED and initial), provided at time of submittal.
- 3 copies of a site plat map (outline property in RED and initial), provided at time of submittal.
- 1 "Posting of Notification Sign" sheet (1 sign/500ft. of frontage, max. of 5 signs @ \$10.00 each).
- All appeals for single family and duplex residential properties must include a copy of a certified plat from the county.

\* Each submitted large drawing must include one reduced 8 ½"x 11" size copy of the drawing.

**Appeals should be submitted to: Kyra Blackston / 214-671-8911  
1500 Marilla St., City Hall 5BN**

All appeals must be submitted in person and all required materials and drawings must be submitted at the time of filing the appeal. All fees must be paid at the time of filing the appeal.

(09-29-09)



## **INFORMATION ABOUT APPEALS TO THE BOARD OF ADJUSTMENT**

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

Each Board panel *normally* conducts one public hearing a month at 1:00 p.m. in Dallas City Hall, 1500 Marilla Street. Written notice of the hearing will be sent to all owners of real property located within 200 feet, including streets and alleys, from the boundary of the area upon which the appeal is made, not less than 10 days before the hearing. The Board has the option of taking a tour of each site for which an appeal is being heard. On the morning of the hearing, staff will fully brief the Board about each appeal to be heard.

The Board administrator will schedule each case, and will notify the applicant by mail of the hearing date, time, and location. **Any questions regarding scheduling and/or status of pending cases should be directed to the Board Administrator, Steve Long, by calling 214-670-4666.**

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

The Board of Adjustment is a quasi-judicial body. Exparte communications with the members of the Board is prohibited. All communication, oral or written, should be directed to the Board Administrator. Failure to comply with this rule may result in criminal prosecution for improper influence, which is a Class A misdemeanor under Texas Penal Code Section 36.04.

### **JURISDICTION OF THE BOARD OF ADJUSTMENT**

The Board has the following powers and duties:

- To hear and decide appeals of the decisions of administrative officials made in the enforcement of the zoning ordinance of the city (Please note that the applicant has only 15 days from the date of the administrative official's decision to file an appeal to the Board of Adjustment).

- To interpret the intent of the zoning district map when uncertainty exists. Because the actual physical features differ from those indicated on the zoning district map and when the rules set forth in the zoning district boundary regulations do not apply.
- To bring about the discontinuance of a nonconforming use under a plan whereby the owner's actual investment in the structure(s) prior to the time that the use became nonconforming can be amortized within a definite time period.
- To hear and decide requests for change of occupancy of a nonconforming use to another nonconforming use.
- To hear and decide requests for the enlargement of a nonconforming use.
- To hear and decide requests for reconstruction of a nonconforming structure on the land occupied by the structure when the reconstruction will not permanently prevent the return of the property to a conforming use and will not increase the nonconformity.
- To require the vacation and demolition of a nonconforming structure that is determined to be obsolete, dangerous, dilapidated, or substandard.
- To consider on its own motion, or upon the request of interested property owners, the operation or alteration of any use which is a nonconforming use because of noncompliance with the environmental performance standards set forth in the zoning ordinance, and specify the conditions and standards with which it must comply for the continuance of the nonconforming use.
- To grant variances from the front yard, side yard, rear yard, lot width, lot depth, coverage, floor area ratio, height, minimum sidewalk, off-street parking or off-street loading, or landscape regulations that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the zoning ordinance would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done. The variance must be necessary to permit development of a specific parcel of land being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classifications. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person privilege in developing a parcel of land not permitted by the zoning ordinance to other parcels of the land in districts with the same classification.
- To hear and decide special exceptions expressly provided for in the zoning ordinance. (*For convenience, information regarding special exceptions to the sign regulations is briefly discussed below. Additional information is contained in Section 51A-7.703*).

## **MATTERS INVOLVING NONCONFORMING SIGNS**

The Board may authorize the following special exception to the sign regulations for nonconforming signs legally erected or maintained prior to April 30, 1973.

- Permit a variance of up to 25% for setbacks, effective area, and height for a detached premise sign.
- Permit a variance of up to 20% for setbacks, effective area and height for a detached non-premise sign.
- Authorize one additional detached sign on a premise in excess of the number permitted.
- Authorize up to two additional large letter words on an attached sign in excess of the number permitted.
- Permit certain special exceptions and variances for movement control signs (see Section 51A-7.703(c)(6) for details).
- Authorize the remodel, renovation, or alteration of a sign (see Section 51A-7.703(c)(7) for details).
- The Board may also vary any of all other provisions of the sign ordinance not specified above with respect to a premise sign (see Section 51A-7.703(c)(8) for details).

## **MATTERS INVOLVING NEW SIGNS**

The Board may:

- Permit a variance of up to 10% for setbacks, effective area, and height for a detached premise sign.
- Authorize one additional detached premise sign on a premise in excess of the number permitted.
- Authorize up to two additional large letter words on an attached sign in excess of the number permitted.
- Permit certain special exceptions and variances for movement control signs (see Section 51A-7.703(d)(4) for details).

## **INITIATING THE PROCESS**

Any person interested in filing an appeal to the Board of Adjustment may obtain an application packet from Current Planning Division/Development Services, 1500 Marilla Street, City Hall 5BN, or online at [www.dallascityhall.com](http://www.dallascityhall.com). If you have any questions, please call **Kyra Blackston at 214-671-8911**.

Incomplete applications will not be accepted for processing. All required materials must be submitted together at the time of filing. Applications must be submitted in person and accompanied by the entire fee and all required materials. If this is not possible, special arrangements can be made by calling Kyra Blackston at 214-671-8911. Additions or revisions to a submitted appeal may result in a delay or rescheduling of an appeal hearing date.

**THE INFORMATION LISTED BELOW  
MUST BE PROVIDED FOR YOUR CASE TO BE ACCEPTED**

- Plans must be drawn to scale, using a standard Engineer or Architect scale (with the scale and a North arrow indicated).
- Maximum drawing paper size is 36" x 48" (E size). Minimum text/font size is 3/32".
- Reference front, side, and rear yard setbacks as needed, and all other critical dimensions and materials.
- All required plans must be blue line or black line copies with a clean white background, drawn to scale and legible (a recommended scale for single family dwelling plans is 1"=20').
- **Reduced nonstandard scale plans and/or illegible plans will not be accepted.**
- Indicate the area of the property or improvements for which the variance or special exception is being requested.
- Any other documents which may be required for the appeal to be processed.

**FEES FOR ALL TYPES OF APPEALS  
EXCLUDING APPEALS PERTAINING TO THE SIGN ORDINANCE**

The filing fees are listed below. There is an additional \$10.00 fee for each required notification sign (see Section B for details). No fee refund will be made after an appeal is advertised.

<b>Type of Application</b>	<b>Application Fee</b>
Single family / Duplex variance	\$600.00
Single family/ Duplex special exception	\$600.00
Multifamily or nonresidential variance	\$900.00 + \$25 per acre/ or portion thereof
Multifamily or nonresidential special exception	\$1,200 + \$25 per acre/ or portion thereof
Landscaping or tree preservation special exception	\$1,200 + \$50 per acre/ or portion thereof
Variance and special exception to off-street parking requirements	\$900.00 + \$100.00 per parking space variance or special exception requested
Compliance request for a nonconforming use	\$1,000.00
All other non- sign appeals.	\$900.00

The applicant shall pay a separate filing fee for each type of variance requested. The maximum fee for all variances on one building site heard at one public hearing is \$10,000.00. Make checks payable to the City of Dallas.

**FEES FOR APPEALS PERTAINING TO THE SIGN ORDINANCE**

The filing fees are listed below. There will also be an additional \$10.00 fee for each required notification sign (see Section B for details). No fee refund will be made after an appeal is advertised.

<b>TYPE OF APPLICATION</b>	<b>APPLICATION FEE</b>
Sign special exception	\$1,200.00
All other sign appeals	\$900.00

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

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

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

**REQUEST FOR FEE WAIVER**

To request that the filing fee for your appeal be waived, it is necessary that you forward a letter by mail or fax to the Board Administrator, Steve Long, stating that you would like your filing fee to be waived. The Administrator’s fax number and address are 214-670-4210 at City Hall, 1500 Marilla St., 5BN, Dallas, Texas 75201. In the letter, include the address of the property, the amount of the fee you are requesting to be waived, and any supporting documentation substantiating why payment of the filing fee would result in a substantial financial hardship for the applicant. If the fee waiver is not granted, the full amount of the fee must be paid before an appeal can be processed. Otherwise, you may pay the entire fee, file your case, and request a fee reimbursement by following the same steps outlined above. Requesting a fee reimbursement will allow your case to be processed, whereas requesting a fee waiver may delay the case filing.

**A VARIANCE OR SPECIAL EXCEPTION APPROVAL IS NOT A BUILDING PERMIT**

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

**Board-Related Phone Numbers:**

Steve Long, Board Administrator	214-670-4666
Trena Law, Board Secretary	214-670-4206
Todd Duerksen, Building Official's Representative	214-948-4480

(09/29/09)

# 2009 BOARD OF ADJUSTMENT SCHEDULE

BDA Hearing Date - Panel	Filing Deadline, 12:00 Noon
<b>January 20, 2009 - A</b> <b>January 21, 2009 - B</b>	<b>November 21, 2008</b>
<b>February 16, 2009- C</b> <b>February 17, 2009- A</b> <b>February 18, 2009- B</b>	<b>December 19, 2008</b>
<b>March 16, 2009 - C</b> <b>March 17, 2009 - A</b> <b>March 18, 2009 - B</b>	<b>January 30, 2009</b>
<b>April 13, 2009 - C</b> <b>April 14, 2009 - A</b> <b>April 15, 2009 - B</b>	<b>February 27, 2009</b>
<b>May 18, 2009 - C</b> <b>May 19, 2009 - A</b> <b>May 20, 2009 - B</b>	<b>March 27, 2009</b>
<b>June 15, 2009 - C</b> <b>June 16, 2009 - A</b> <b>June 17, 2009 - B</b>	<b>April 24, 2009</b>
<b>JULY</b>	<b>RECESS - NO HEARINGS</b>
<b>August 17, 2009 -C</b> <b>August 18, 2009 -A</b> <b>August 19, 2009 -B</b>	<b>June 26, 2009</b>
<b>September 14, 2009 - C</b> <b>September 15, 2009 - A</b> <b>September 16, 2009 - B</b>	<b>July 31, 2009</b>
<b>October 19, 2009 - C</b> <b>October 20, 2009 - A</b> <b>October 21, 2009 - B</b>	<b>August 28, 2009</b>
<b>November 16, 2009 - C</b> <b>November 17, 2009 - A</b> <b>November 18, 2009 - B</b>	<b>September 25, 2009</b>
<b>December 14, 2009- C</b>	<b>October 30, 2009</b>



## Posting of Notification Sign

Address: \_\_\_\_\_

BDA Number \_\_\_\_\_

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

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) 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: \_\_\_\_\_

-or-

Number of acres: \_\_\_\_\_

Number of signs received: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of applicant



CITY OF DALLAS

AFFIDAVIT

BDA Case # \_\_\_\_\_

I, \_\_\_\_\_ Owner of the subject property

at: \_\_\_\_\_

Authorize (applicant) \_\_\_\_\_

To pursue an appeal to the City of Dallas Board of Adjustment for the following request (s)

\_\_\_\_\_ Variance (please specify) \_\_\_\_\_

\_\_\_\_\_ Special Exception (please specify) \_\_\_\_\_

\_\_\_\_\_ Other {please specify} \_\_\_\_\_

\_\_\_\_\_

Print name of property owner

\_\_\_\_\_

Signature of property owner

\_\_\_\_\_

Date

Before me the undersigned on the day of personally appeared \_\_\_\_\_

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public on and for

Dallas County, Texas

Commission expires on \_\_\_\_\_



AFFIDAVIT

BDA Case # \_\_\_\_\_

I, \_\_\_\_\_ Owner of the subject property

at: \_\_\_\_\_

Authorize (applicant) \_\_\_\_\_

To pursue an appeal to the City of Dallas Board of Adjustment for the following request (s)

\_\_\_\_\_ Variance (please specify) \_\_\_\_\_

\_\_\_\_\_ Special Exception (please specify) \_\_\_\_\_

\_\_\_\_\_ Other {please specify} \_\_\_\_\_

_____	_____	_____
Print name of property owner	Signature of property owner	Date

Before me the undersigned on the day of personally appeared \_\_\_\_\_

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_

\_\_\_\_\_

Notary Public on and for

Dallas County, Texas

Commission expires on \_\_\_\_\_