



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 briefing and 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. (*In general, the board may grant a special exception when, in the opinion of the board, the special exception will not adversely affect neighboring property. 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 Department of Sustainable Development & Construction, Building Inspection Division, Oak Cliff Municipal Center, 320 E. Jefferson Blvd., Room 105, or online at www.dallascityhall.com. If you have any questions, please contact Todd Duerksen at the above address or by calling 214-948-4475.

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. Later additions or revisions to a submitted appeal may result in a delay or rescheduling of an appeal hearing date.

**THE DRAWING 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 (indicate the scale, a recommended scale for single family dwelling site plans is 1"=20').
- 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, heights, widths, lengths and all other critical dimensions, and materials of construction.
- All required plans must be blue line or black line copies with a clean white background, drawn to scale and legible. No color drawings and no color "Highlighters" on drawings.
- Indicate on the drawing the area of the property or improvement(s) for which the variance or special exception is being requested.
- **Reduced or nonstandard scale plans and/or illegible plans are not acceptable.**
- You may include additional documents/drawings which you feel may be needed for the appeal.

**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 following section for details). No fee refund will be made after an appeal is advertised.

Type of Application	Application Fee
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.

TYPE OF APPLICATION	APPLICATION FEE
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 building 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	214-948-4475

(11/17/10)

2011 BOARD OF ADJUSTMENT SCHEDULE

Hearing Date - Panel	Filing Deadline, 12:00 Noon
January 18, 2011 - A January 19, 2011 - B	November 19, 2010
February 14, 2011 - C February 15, 2011 - A February 16, 2011 - B	December 17, 2010
March 14, 2011 - C March 15, 2011 - A March 16, 2011 - B	January 28, 2011
April 18, 2011 - C April 19, 2011 - A April 20, 2011 - B	February 25, 2011
May 16, 2011 - C May 17, 2011 - A May 18, 2011 - B	March 25, 2011
June 13, 2011 - C June 14, 2011 - A June 15, 2011 - B	April 29, 2011
JULY	IN RECESS - NO HEARINGS
August 15, 2011 - C August 16, 2011 - A August 17, 2011 - B	June 24, 2011
September 19, 2011 - C September 20, 2011 - A September 21, 2011 - B	July 29, 2011
October 17, 2011 - C October 18, 2011 - A October 19, 2011 - B	August 26, 2011
November 14, 2011 - C November 15, 2011 - A November 16, 2011 - B	September 23, 2011
December 12, 2011 - C	October 28, 2011



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. 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: _____

Number of acres: _____

Number of signs received: _____

Date

Signature of applicant or person receiving signs



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)

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