



Required material for filing an appeal to the Board of Adjustment

- 2 original Appeal forms completely filled out, signed and notarized, stating the specific type of relief requested and the reason(s) why relief should be granted.
 - 2 original Affidavits, signed and notarized (obtain from Building Inspection). Required only if the owner of the property is not the applicant for the special exception or variance.
 - 1 original & 1 copy - Certified Warranty Deed for the subject property (obtain from the county).
 - Tax Certificate or proof that taxes have been paid (real & personal) (obtain from the county).
 - Lien statement showing there are no liens on the property (obtain from City Hall, Rm. 2DS).
 - 4 copies of the site plan or survey drawn to scale, showing the entire property and all existing and proposed improvements. *
 - 4 copies of the elevation plan drawn to scale. *
 - 4 copies of the floor plan drawn to scale. *
 - 4 copies of the landscaping plans drawn to scale specifying size and species of all existing and proposed landscaping. Please contact the arborist about your landscape or mitigation plan. *
 - 4 copies of the tree survey, drawings to scale. *
 - 4 copies of a parking analysis, drawings to scale, showing all uses, the square footage of all the uses and all the parking to be provided and required parking. *
 - 3 copies of the zoning map (outline property in RED and initial), available in Room 105.
 - 3 copies of the plat map (outline property in RED and initial), available in Room 105.
 - 1 Sign Affidavit (Qty. of signs req'd., 1/500ft. of frontage, or 1/5 acres, max. of 5, \$10.00 each).
 - 1 copy of the Building Inspection Permit Application.
- * Additionally, each required plan must include an 8 1/2"x 11" size copy of the drawing.

Appeal should be submitted to: Todd Duerksen / 214-948-4480
320 E. Jefferson Blvd, Rm. # 105

The entire filing fee must be paid at the time of filing the case.

Please be aware that all cases must be submitted in person and all required materials must be submitted at the time of filing the case. (02-21-07)

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 variations and decisions concerning the Dallas Development Code. The Board is composed of 15 members and 4 alternates assigned to three separate panels. Four members of the Board must hear cases, and the 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 can be canceled.

The Board *normally* meets three times each month at 1:00 p.m. in Dallas City Hall, 1500 Marilla Street.

The Board meeting is a public hearing. 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 members of the Board have the option to visit each site for which an appeal is being heard. On the morning of the hearing, the members of the Board will be fully briefed by staff about each appeal to be heard.

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

The applicant or the applicant's representative must be present at 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. Pursuant to the Board's Rules of Procedure, ex parte communications with the members of the Board are 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 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 construction 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 its noncompliance with the environmental performance standards set forth in the zoning ordinance, and specify the conditions and standards which must be complied with 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 ratios, height, minimum sidewalks, 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 classifications
- To hear and decide special exceptions that is 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 detached premise sign
- Permit a variance of up to 20% for setbacks, effective area and height for a detached non-premise signs
- Authorize one additional detached sign on a premise in excess of the number permitted by this article
- Authorize up to two additional large letter words on an attached sign in excess of the number permitted by this article
- Permit certain special variances and exceptions for the 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 the respect to premise sign (See Section 51A7.703(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 detached premise signs
- 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 variances and exceptions for movement control signs (See Section 51A-7.703(d)(4) for details).

INITIATING THE PROCESS

Any person interested in filing of an appeal to the Board of Adjustment can obtain an application packet from the zoning section of Building Inspection, 320 E. Jefferson Blvd. Room 105 or on line at Dallascityhall.com. If you have any questions, please call **Todd Duerksen at 214-948-4480**.

Incomplete appeals forms will not be accepted for processing. All required materials must be submitted together at the time of filing.

Cases must be submitted in person to a zoning representative and accompanied by the entire fee and all materials. If this is not possible, special arrangements can be made by calling Todd Duerksen at 214-948-4480.

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

- Plans must be drawn to scale (with scale and north indicated).
- Show front, side and rear yard setbacks and all other critical dimensions.
- All required plans must be blue line or black line copies, drawn to scale and legible Plans for single family dwellings are recommended to be 1"=20 feet. **Reduced reproductions of 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

**FEE FOR ALL TYPES OF APPEALS EXCLUDING APPEALS PERTAINING TO SIGN
ORDINANCE**

The filing fees are listed below. There will also be an additional ten-dollar fee for each required notification sign (for detail See Section G). No fee refund may 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 mitigation 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.

A. FEES FOR APPEALS PERTAINING TO THE SIGN ORDINANCE

The filing fees listed below. Valuation is based on the estimated cost of the *portion for which the variance is requested*. There will also be an additional ten-dollar fee for each required notification sign (for details See Section G). No fee refund may be made after an appeal is advertised.

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

B. REQUIRED NOTIFICATION SIGNS FOR ALL APPEALS TO THE BOARD OF ADJUSTMENT

At the time of filing an appeal, a “Notification of Appeals” 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, 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 every 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.

C. REQUEST FOR FEE WAIVERS

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 Administrator of the Board of Adjustment, Steve Long, stating that you would like your filing fee to be waived. The Administrator 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 need to have waived and the reasons why you need the fee to be waived. Mail or fax a copy of this letter to Todd Duerksen with Building Inspection. The fax number and address for Building Inspection are (214) 948-4374 at 320 E. Jefferson Blvd., Room #105, Dallas, Texas 75203. The Administrator will make a staff recommendation to the Board, who ultimately will decide whether or not to grant the fee waiver. If a fee waiver is not granted, the full amount of the fee must be paid before an appeal can be filed or processed. Otherwise, you may pay the entire fee, file your case, and request a fee reimbursement by following the steps

outlined above. Requesting a fee reimbursement will allow your case to be processed, whereas requesting a fee waiver can delay the case filing.

D. VARIANCE APPROVAL IS NOT A BUILDING PERMIT

If your appeal is approved, you need to apply within 180 days for the actual permits needed to construct the proposed work. Note that the permit can be issued only within the limit of the approval (do not relocate a building after approval or a new appeal may be required).

Board-Related Phone Numbers:

Steve Long, Board Administrator	(214) 670-4666
Trina Law, Board Secretary	(214) 670-4206
Todd Duerksen, Building Official's Representative for BDA	(214) 948-4480

02/21/07

2007 BOARD OF ADJUSTMENT SCHEDULE

BDA Hearing Date	Cutoff Date
January 16, 2007 - A January 17, 2007 - B	November 17, 2006
February 12, 2007- C February 13, 2007- A February 14, 2007- B	December 29, 2006
March 19, 2007 - C March 20, 2007 - A March 21, 2007 - B	January 26, 2007
April 16, 2007 - C April 17, 2007 - A April 18, 2007 - B	February 23, 2007
May 14, 2007 - C May 15, 2007 - A May 16, 2007 - B	March 30, 2007
June 11, 2007 - C June 12, 2007 - A June 13, 2007 - B	April 27, 2007
JULY *****	RECESS - NO HEARINGS
August 13, 2007 -C August 14, 2007 -A August 15, 2007 -B	June 29, 2007
September 17, 2007 - C September 18, 2007 - A September 19, 2007 - B	July 27, 2007
October 15, 2007 - C October 16, 2007 - A October 17, 2007 - B	August 24, 2007
November 12, 2007 - C November 13, 2007 - A November 14, 2007 - B	September 28, 2007
December 10, 2007- C	October 26, 2007



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 the 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 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: _____

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