

FILE NUMBER: BOA-26-000033(CC)

BUILDING OFFICIAL'S REPORT: Application of April Ross for **(1)** a variance to the side yard setback regulations at **1510 MARFA AVENUE**. This property is more fully described as Block 32/4090, Lot 7, and is zoned R-7.5(A), which requires a side yard setback of 5-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 2-foot variance to the side yard setback regulations.

LOCATION: 1510 Marfa Avenue

APPLICANT: April Ross

REQUEST:

(1) A variance to the side yard setback regulations.

STANDARD OF REVIEW 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.

SECTION 51A-3.102(d)(10)(B)

Dallas Development Code § 51A-3.102(d)(10)(B), allows for the board to use their discretion and consider the following as grounds to determine whether the portion of the variance standard of compliance with the ordinance as applied to a structure would result in unnecessary hardship:

- (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 side yard setback regulations:

Approval

Rationale: Based upon the evidence presented and provided by the applicant, the staff concluded that the site is

- Not contrary to the public interest as no letters of opposition were received.
- Is 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 The requested variance is necessary to permit development of this specific parcel because the incorrect survey previously relied upon created an inaccurate representation of the property's size, shape, and development limitations. As a result, the parcel was effectively treated as having restrictive characteristics not shared by other similarly zoned properties. Approval of the variance will remedy the hardship caused by the erroneous survey and allow development commensurate with other parcels within the same zoning district.
- Does not appear to be a self-created or personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A)
North: R-7.5(A)
East: R-7.5(A)
South: R-7.5(A)
West: R-7.5(A)

Land Use:

The subject site is developed with a residential structure, with surrounding properties sharing the same type of development.

BDA History:

No BDA history has been found within the past five years on the subject property.

GENERAL FACTS/STAFF ANALYSIS:

- The application of April Ross for the property located at 1510 Marfa Avenue focuses on one request relating to the side yard setback regulations.
- The applicant is proposing to construct a residential structure and provide a 3-foot side yard setback, which will require a 2-foot variance to the side yard setback regulations.
- The applicant obtained a survey that provided incorrect information regarding the distance between the side yard property line. Rather than the five feet shown in the incorrect survey the distance on the east property line is approximately 3 feet and decreases as traveling south along the property line. For this reason, the applicant has submitted this application.
- The applicant has the burden of proof in establishing the following:
 1. That granting the variance to the side yard setback 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.
 2. 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
 3. 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.

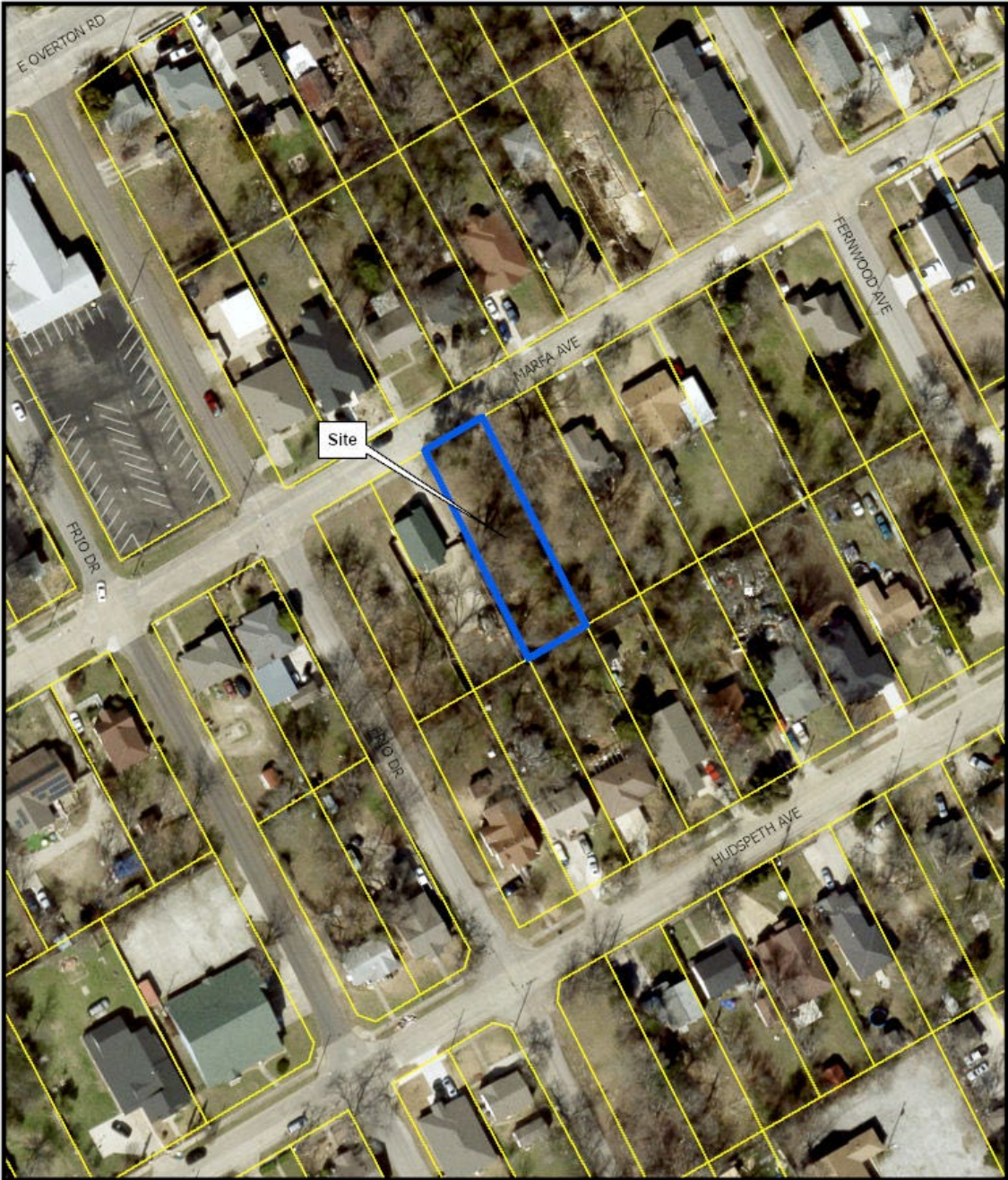
SECTION 51 A-3.102(d)(10)(B)

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- (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.
- Granting the variance to the side yard setback regulations, with the 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.
 - 200' Radius Video: [BOA-26-000033 at 1510 Marfa](#)

Timeline:

- April 24, 2026: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 9, 2026: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- June 22, 2026: The Planning and Development Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the **June 26, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **July 2, 2026**, 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.
- June 30, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **July** public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.



1:1,200

AERIAL MAP

Case no: BOA-26-000033

Date: 06/23/2026





1:1,200

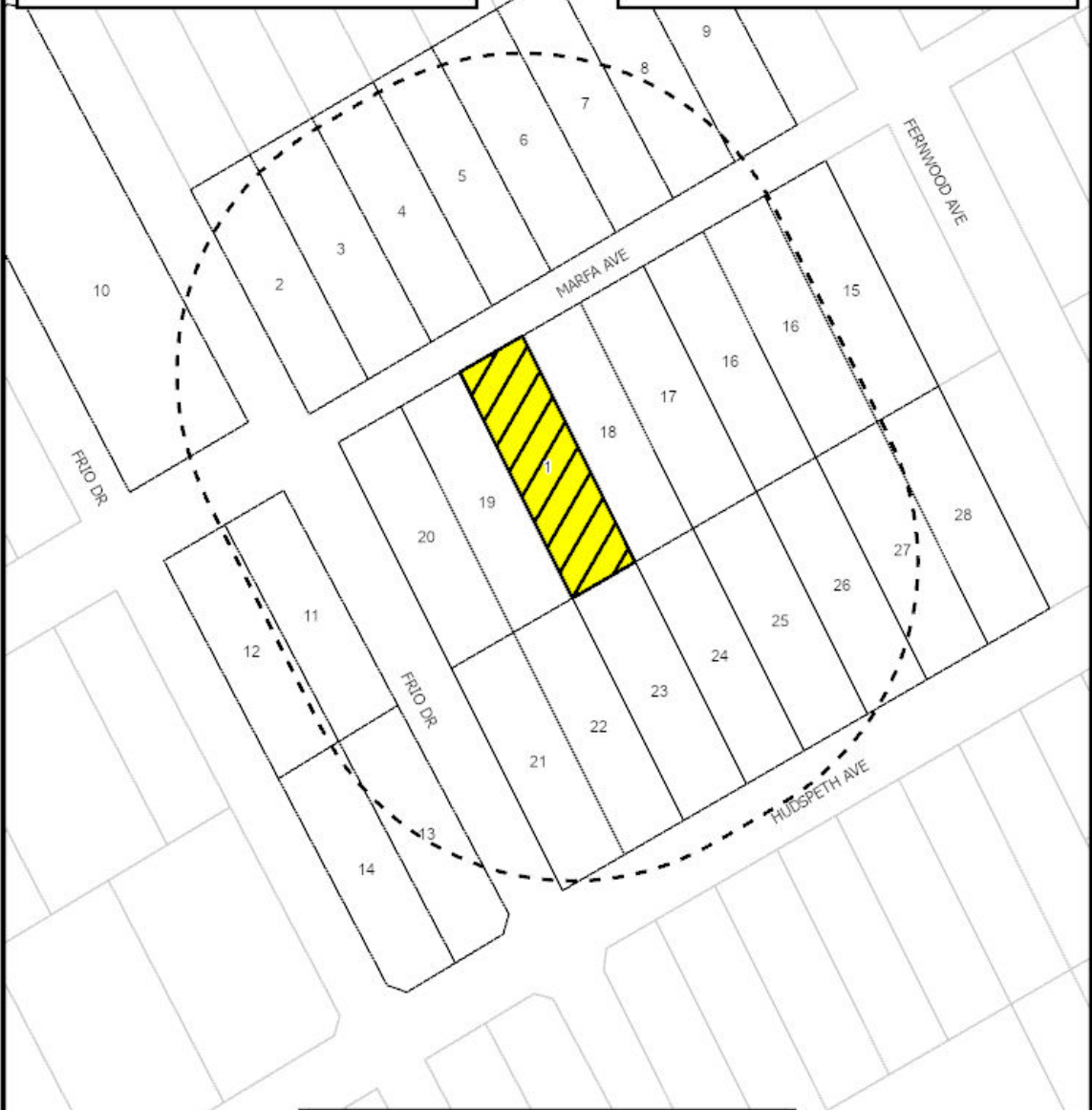
ZONING MAP

Case no: BOA-26-000033

Date: 06/23/2026

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re-zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
28 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BOA-26-000033**
 Date: **6/23/2026**

06/23/2026

Notification List of Property Owners

BOA-26-000033

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1510 MARFA AVE	ML KM DEVELOPMENTS LLC
2	1503 MARFA AVE	NUNEZ FERNANDO R VALDES
3	1507 MARFA AVE	ULLOABALDONADO EMILIO &
4	1511 MARFA AVE	BALDONADO EMILIO ULLOA &
5	1515 MARFA AVE	FME PROPERTIES LLC
6	1519 MARFA AVE	WHARTON IAN
7	1523 MARFA AVE	TENORIO CLAUDIA & OSCAR ROSAS
8	1527 MARFA AVE	MACEDO STEPHEN
9	1531 MARFA AVE	WALKER JOHNNIE V
10	1442 E OVERTON RD	EZELL CHAPEL C M E CHURCH
11	1444 MARFA AVE	SALINAS ROSALINDA OBREGON
12	1440 MARFA AVE	PRITCHETT LANITA SHERAY
13	1443 HUDSPETH AVE	FLORES ESCUBAR EDUARDO
14	1439 HUDSPETH AVE	Taxpayer at
15	1530 MARFA AVE	MONDRAGON DIAZ ANDREA &
16	1526 MARFA AVE	TENORIO ALFONSO &
17	1518 MARFA AVE	COX PATRICIA HALL
18	1514 MARFA AVE	Taxpayer at
19	1506 MARFA AVE	Taxpayer at
20	1502 MARFA AVE	CHAVEZ BRITNEY JOHNSON &
21	1503 HUDSPETH AVE	LEIJAS REALTY LLC
22	1507 HUDSPETH AVE	ESTRADA ADRIAN
23	1511 HUDSPETH AVE	CHANEY DARLINE M
24	1515 HUDSPETH AVE	ESCOBAR SANTIAGO SOTELO &
25	1519 HUDSPETH AVE	ISAAC RUTH ELLEN EST OF
26	1523 HUDSPETH AVE	ESTRADA JOSE

06/23/2026

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1527 HUDSPETH AVE	JOHNSON CAMIRA MOTON &
28	1531 HUDSPETH AVE	WALKER ROGER

200' Radius Route Map

Route Directions:

Start on Fernwood Ave.

Right on Hudspeth Ave.

Right on Frio Dr.

Right on Marfa Ave.

*Subject Site at 1:31.



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL B) will hold a hearing as follows:

DATE: WEDNESDAY, JULY 15, 2026

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BOA-26-000033(KMH) Application of April Ross for (1) a variance to the side yard setback regulations at 1510 MARFA AVENUE. This property is more fully described as Block 32/4090, Lot 7, and is zoned R-7.5(A), which requires a side yard setback of 5-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 2-foot variance to the side yard setback regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing, if you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-B-Register> by the close of business Tuesday, July 14, 2026. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallasty or YouTube.com/CityofDallasCityHall.

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Dr. Kameka Miller-Hoskins, Chief Planner at (214) 948-4478, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning & Development Department
1500 Marilla Street 5CN Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov
Letters will be received until 9:00 am
the day of the hearing.
PLEASE REGISTER AT:
<https://bit.ly/BDA-B-Register>