

**FILE NUMBER:** BOA-26-000015(BT)

**BUILDING OFFICIAL'S REPORT:** Application of Wendell Lockhart for **(1)** a variance to the front yard setback regulations, and for **(2)** a variance to the side yard setback regulations at **401 HART STREET**. This property is more fully described as Block 3/7677, S 33' Lot 1, and is zoned PD-1052 (Subdistrict 2), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 18-foot front yard setback, which will require **(1)** a 7-foot variance to the front yard setback regulations, and to construct and/or maintain a single-family residential structure and provide a 0-foot side yard setback, which will require **(2)** a 5-foot variance to the side yard setback regulations.

**LOCATION:** 401 Hart Street

**APPLICANT:** Wendell Lockhart

**REQUEST:**

- (1) A request for a variance to the front yard setback regulations; and
- (2) A request for a variance to the side yard setback regulations.

**STANDARDS 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 for structures accessory to single-family uses, 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 front yard setback regulations:**

**Approval**

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

- A. Not contrary to the public interest.
- B. The subject site is restrictive in buildable area and shape but not slope. Taking into consideration, the subject site has a restrictive lot size of 2,232.5 square feet with a buildable area of 877.5 square feet. The subject site is an irregular shape lot further reducing the buildable area; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning district.
- C. Not self-created nor is it a personal hardship.

**Variance to the side yard setback regulations:**

**Approval**

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

- A. Not contrary to the public interest.
- B. The subject site is restrictive in buildable area and shape but not slope. Taking into consideration, the subject site has a restrictive lot size of 2,232.5 square feet with a buildable area of 877.5 square feet. The subject site is an irregular shape lot further reducing the buildable area; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning district.

C. Not self-created nor is it a personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD-1052 (Subdistrict 2)  
North: PD-1052 (Subdistrict 2)  
East: PD-1052 (Subdistrict 2)  
South: PD-1052 (Subdistrict 2)  
West: PD-1052 (Subdistrict 2)

**Land Use:**

The subject site and surrounding properties are developed with single-family uses.

**BDA History:**

No BDA history was found within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The application of Wendell Lockhart for the property located at 401 Hart Street focuses on two requests relating to the front-yard setback regulations and side-yard setback regulations.
- The first request is for a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a single-family residential structure and provide an 18-foot front-yard setback, which will require a 7-foot variance to the front-yard setback regulations.
- The second request is for a variance to the side-yard setback regulations. The applicant is proposing to construct and maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require a 5-foot variance to the side-yard setback regulations.
- It is imperative to note that PD-1052 (Subdistrict 2) was approved on May 12, 2021 (Ordinance No. 31859) establishing the following setbacks:
  - Section 51P-1052.109(b)(1) Except as provided in this subsection, minimum front yard is 25 feet.
  - Section 51P-1052.109(b)(1) Except as provided in this subsection, minimum side yard is 5 feet.
- The subject site has a lot size of 2,232.5 square feet with a buildable area of 877.5 square feet.
- The subject site lot has an irregular shape of 33 feet in width along Hart Street and reduced to 14 feet in the rear.
- The subject site has a lot depth of 95 feet.

- Staff referral provided.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variances to the front-yard setback regulations and 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 variances are 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 variances 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 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.
- Granting the variances to the front-yard setback regulations and side-yard setback regulations with a 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-26-000015 at 401 Hart St](#)

**Timeline:**

March 2, 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.

March 4, 2026: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

March 16, 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 **March 20, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **April 3, 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.

March 24, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **April** 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.



# Planning & Development Department

320 E Jefferson Blvd, Dallas TX 75203  
(214) 948-4480

BOARD OF ADJUSTMENT REFERRAL FORM	
Referred by: <i>Vanita JACQUES</i>	Date:
Department: <i>Residential PD - Am US</i>	
Phone/Email: <i>214-948-4678</i>	
Manager signature: <i>Melvin McMiller 3-12-9026</i>	
Consulted with: <i>JASMINE ERVINS</i>	
<input checked="" type="checkbox"/> Applicant	
<input type="checkbox"/> Representative	
<input type="checkbox"/> Owner	
Name: <i>JASMINE ERVINS</i>	
Phone/Email: <i>calhounqa@gmail.com</i>	
Property Information <i>401 HART</i>	
Address: <i>401 HART</i>	
Lot: <i>1</i>	
City Block: <i>37677</i>	
Zoning Classification: <i>(PD 1052)</i>	
Issues that require Board action <i>YARD LOT REGULATIONS</i>	
List the City of Dallas Development Code(s) this project is non-compliant with:	
Check all that apply: <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Special Exception	
<input checked="" type="checkbox"/> Yard setback	
<input type="checkbox"/> Lot Width	
<input type="checkbox"/> Lot Depth	
<input type="checkbox"/> Lot coverage	
<input type="checkbox"/> Floor area for accessory structures for single-family uses	
<input type="checkbox"/> Height	
<input type="checkbox"/> Minimum width of sidewalk	
<input type="checkbox"/> Off-street parking	
<input type="checkbox"/> Off-street loading	
<input type="checkbox"/> Landscape regulations	
<input type="checkbox"/> fence height and/or standards	
<input type="checkbox"/> Visibility triangle obstructions	
<input type="checkbox"/> Parking demand	
<input type="checkbox"/> Additional dwelling unit (not for rent) <input type="checkbox"/> Accessory dwelling unit (for rent)	
<input type="checkbox"/> Carport	
<input type="checkbox"/> Non-conforming use or structure	
<input type="checkbox"/> Administrative Official Appeal	
<input type="checkbox"/> Other:	
Description: <i>1) Applicant is requesting a 5' FYSB on the Northside</i> <i>2) Variance for 10' @ FYSB (regular regulation require 25' and SP shows 15')</i>	
Alternative resolutions discussed/offered: <i>customer needs immediate assistance as she has spoke w/ management from both departments - Residential + BOA. Applicant have turned in all required documents as request by BOA.</i>	

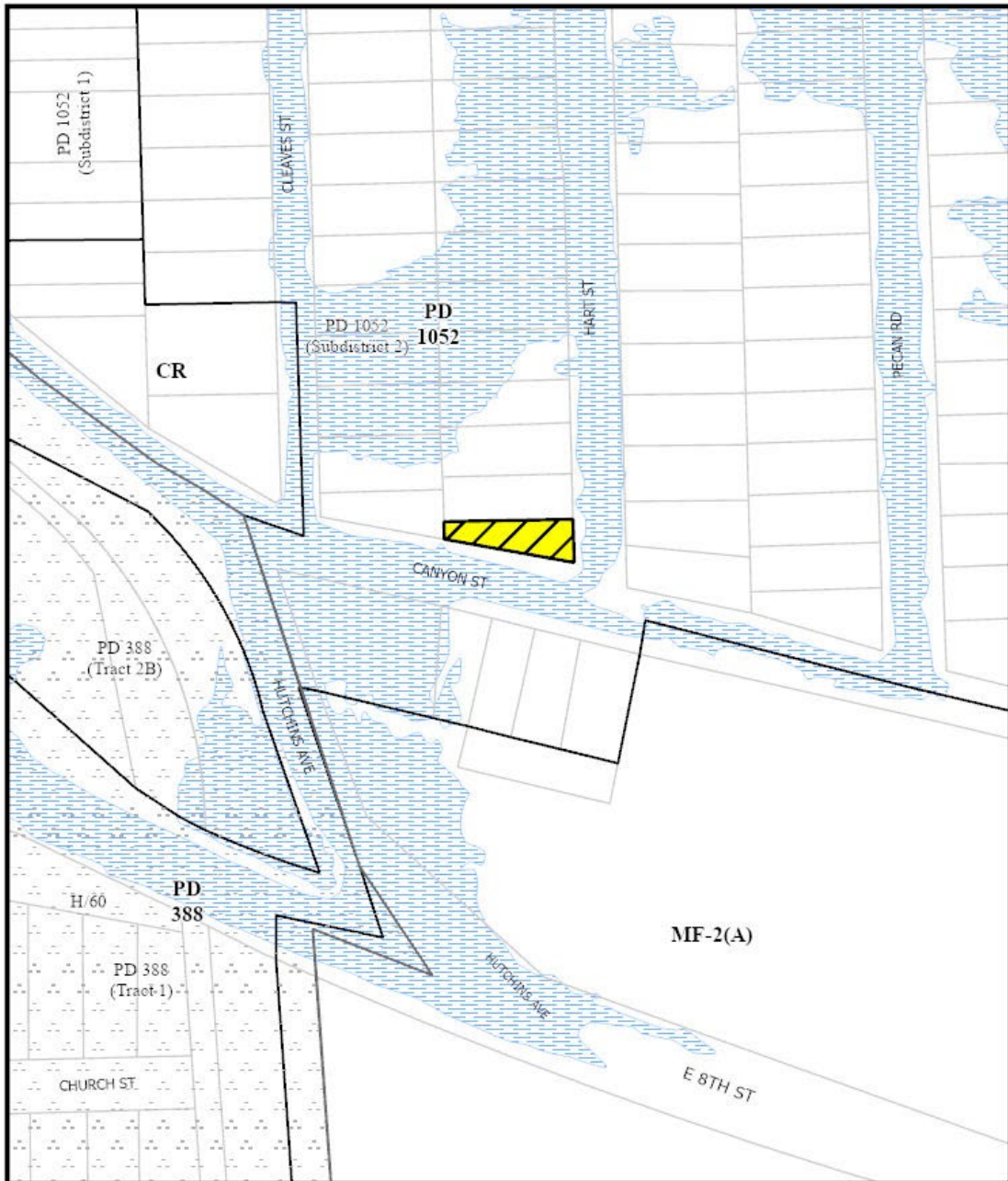


1:1,200

# AERIAL MAP

Case no: BOA-26-000015

Date: 03/16/2026





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# ZONING MAP

Case no: **BOA-26-000015**

Date: **03/16/2026**

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
- 30** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BOA-26-000015**  
 Date: **3/16/2026**

# *Notification List of Property Owners*

*BOA-26-000015*

*30 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	401 HART ST	COVENANT HOMES CONSTRUCTION &
2	1515 E 8TH ST	EAST EIGHTS STREET GROUP LLC
3	1608 CANYON ST	Taxpayer at
4	1614 CANYON ST	MCKINNEY A B
5	1610 CANYON ST	SANCHEZ CORY
6	1612 CANYON ST	ZEBADIAH LLC
7	1606 CANYON ST	Taxpayer at
8	1602 CANYON ST	MUNOZ SYLVIA
9	401 CLEAVES ST	FDRE INC
10	407 CLEAVES ST	Taxpayer at
11	400 CLEAVES ST	Taxpayer at
12	402 CLEAVES ST	DALLAS HOUSING ACQUISITION & DEV CORP
13	404 CLEAVES ST	SYMONE CONSTRUCTION SERVICES
14	406 CLEAVES ST	SEGURA ABEL &
15	410 CLEAVES ST	STRHAN STEVEN P
16	403 HART ST	KUTHURU LLC
17	405 HART ST	CERVANTES MARISOL
18	407 HART ST	B&J CUSTOM HOMES INC DBA
19	413 HART ST	MARQUEZ ENRIQUE & MARTHA L
20	400 HART ST	Taxpayer at
21	404 HART ST	ROBERSON TOMMY EUGENE &
22	408 HART ST	ROBERSON TOMMY E
23	412 HART ST	Taxpayer at
24	424 HART ST	Taxpayer at
25	428 HART ST	CARTER DARRELL
26	403 PECAN DR	MARTINEZ JUAN CARLOS

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	405 PECAN DR	PARROTT NATHAN
28	409 PECAN DR	Taxpayer at
29	413 PECAN DR	D&C ASSET HOLDING LLC
30	2300 AL LIPSCOMB WAY	BNSF RAILWAY

 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BOA-26-000015</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">30</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/16/2026</b>	

**Route Directions:**

**Start on E 8th St.**

**Right on Hutchins Ave.**

**Right on Canyon St.**

**Left on Pecan Dr.**

**U-turn**

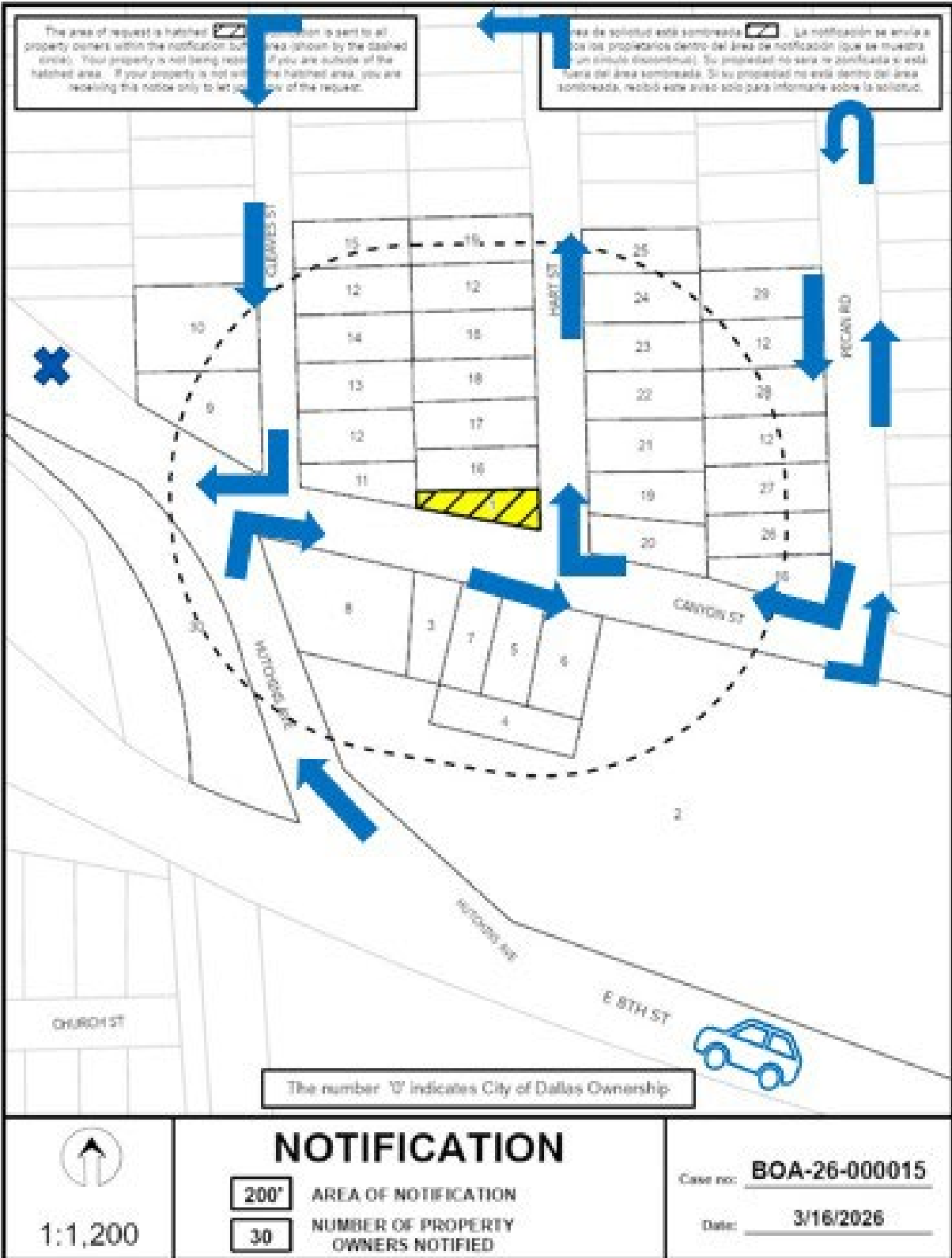
**Right on Canyon St.**

**Left on Cleaves St.**

**Right on Canyon St.**

**\*Subject Site at 0:54 and 2:39**

# 200' Radius Route Map



## NOTICE OF PUBLIC HEARING

### BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

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

**DATE:** TUESDAY, APRIL 14, 2026

**BRIEFING:** 10:00 a.m. via **Videoconference and in 6ES COUNCIL BRIEFING** at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa0414>

**HEARING:** 1:00 p.m. **Videoconference and in 6ES COUNCIL BRIEFING** at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa0414>

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

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**BOA-26-000015(BT)** Application of Wendell Lockhart for **(1)** a variance to the front yard setback regulations, and for **(2)** a variance to the side yard setback regulations at **401 HART STREET**. This property is more fully described as Block 3/7677, S 33' Lot 1, and is zoned PD-1052 (Subdistrict 2), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 18-foot front yard setback, which will require **(1)** a 7-foot variance to the front yard setback regulations, and to construct and/or maintain a single-family residential structure and provide a 0-foot side yard setback, which will require **(2)** a 5-foot variance to the side yard setback regulations.

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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](mailto: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 at **6ES Council Briefing**. 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-A-Register> **by the 5 p.m. on Monday, April 13, 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/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall).

**Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.**

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, 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 and Development Department  
1500 Marilla Street 5CN, Dallas TX 75201

**PLEASE SEND REPLIES TO:**  
[BDAreply@dallas.gov](mailto:BDAreply@dallas.gov)  
Letters will be received until 9:00 am  
the day of the hearing.  
**PLEASE REGISTER AT:**  
<https://bit.ly/BDA-A-Register>

## AVISO DE AUDIENCIA PÚBLICA

### JUNTA DE AJUSTE DE LA CIUDAD DE DALLAS (PANEL A)

SE NOTIFICA POR LA PRESENTE que la JUNTA DE AJUSTE DE LA CIUDAD DE DALLAS (PANEL A) celebrará una audiencia de la siguiente manera.

**FECHA:** MARTES, 14 ABRIL DE 2026

**INFORME:** 10:00 A.M. vía **Videoconferencia y en 6ES REUNIÓN DEL CONSEJO** en el Ayuntamiento de Dallas, 1500 Marilla Street <https://bit.ly/boa0414>

**AUDIENCIA:** 1:00 **Videoconferencia y en 6ES REUNIÓN DEL CONSEJO** en Ayuntamiento de Dallas, 1500 Marilla Street <https://bit.ly/boa0414>

El propósito de la audiencia es considerar la(s) siguiente(s) apelación(es) actualmente pendiente(s) ante la Junta de Ajustes:

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**BOA-26-000015(BT)** Solicitud de Wendell Lockhart para **(1)** una derogación a las regulaciones de retroceso del jardín delantero, y por **(2)** una excepción a las regulaciones de retroceso del patio lateral en **401 HART STREET**. Esta propiedad se describe más detalladamente como Bloque 3/7677, S 33' Lote 1, y está zonificada como PD-1052 (Subdistrito 2), que requiere un retraso en el jardín delantero de 25 pies y un retrocés lateral de 5 pies. El solicitante propone construir y/o mantener una estructura residencial unifamiliar y proporcionar un retrocés de 18 pies en el jardín delantero, lo que requerirá **(1)** una excepción de 7 pies a las normativas de retroceso del jardín delantero, y construir y/o mantener una estructura residencial unifamiliar y proporcionar un retrocés lateral de 0 pie, lo que requerirá **(2)** una variación de 5 pies respecto a las normativas de retroceso lateral del jardín lateral.

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Ha recibido este aviso porque posee una propiedad a menos de 200 pies de la propiedad mencionada. Puede que te interese asistir a la audiencia de la Junta de Ajuste para expresar tu apoyo u oposición a la solicitud. También puede contactar con la Junta de Ajuste por correo electrónico a [BDAreply@dallas.gov](mailto:BDAreply@dallas.gov). Las cartas serán aceptadas hasta las 9:00 del día de la audiencia. Si no puedes asistir a la audiencia. Si decides responder, es importante que expliques a la Junta tus motivos para estar a favor o en contra de la solicitud. Los miembros de la Junta están muy interesados en tu opinión.

**Nota:** Cualquier material (como planos, elevaciones, etc.) incluido en este aviso puede estar sujeto a cambios.

La audiencia de la Junta de Ajuste se celebrará por videoconferencia y en la **sesión informativa del Consejo 6ES**. Las personas que deseen hablar conforme al Reglamento de Procedimiento de la Junta de Ajustes, **asistiendo a la reunión de forma virtual**, deben registrarse en línea a <https://bit.ly/BDA-A-Register> antes de las 5:00 p.m. el **lunes 13 de abril de 2026**. **Todos los oradores virtuales deberán mostrar su vídeo para dirigirse a la junta. Los ponentes presenciales pueden registrarse en la audiencia.** Asuntos Públicos y Divulgación también transmitirán la audiencia pública en Spectrum Cable Canal 96 o 99; y [bit.ly/cityofdallastv](https://bit.ly/cityofdallastv) o [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall).

**Los oradores en la reunión disponen de un máximo de cinco (5) minutos para dirigirse a la Junta.**

Se puede obtener información adicional sobre la solicitud llamando a Bryant Thompson, planificador principal (214) 948-4502, o a Mary Williams, secretaria de la junta, al (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Junta de Ajuste  
Departamento de Planificación y Desarrollo  
1500 Marilla Street 5CN, Dallas TX 75201

**POR FAVOR, ENVÍA RESPUESTAS A:**

[BDAreply@dallas.gov](mailto:BDAreply@dallas.gov)

**Las cartas se recibirán hasta las 9:00 a.m. del día de la audiencia.**

**POR FAVOR, REGÍSTRATE EN:**

<https://bit.ly/BDA-A-Register>