

FILE NUMBER: BOA-26-000013(BT)

BUILDING OFFICIAL'S REPORT: Application of Philip McEwan for **(1)** a variance to the front yard setback regulations at **9612 ROCKBROOK DRIVE**. This property is more fully described as Block 5555, Lot 1, and is zoned R-1ac(A), which requires a front yard setback of 50-feet. The applicant proposes to construct and/or maintain a single-family residential accessory pool structure and provide a 32-foot front yard setback, which will require **(1)** an 18-foot variance to the front yard setback regulations.

LOCATION: 9612 Rockbrook Drive

APPLICANT: Philip McEwan

REQUEST:

- (1) A request for a variance to the front 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 area, shape, and slope. Taking into consideration the proposed pool location, the front yard setback is restrictive along Rockbrook Drive with a 50-foot building line by plat and the front yard setback along Miron Drive with a 50-foot building line by plat further reducing the buildable area. In addition, the subject site poses challenging topography with various grade changes. Therefore, this lot 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: R-1ac(A)
North: R-1ac(A)
East: R-1ac(A)
South: R-1ac(A)
West: R-1ac(A)

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 Philip McEwan for the property located at 9612 Rockbrook Drive focuses on one request relating to the front-yard setback regulations.

- The applicant is proposing to construct and maintain a single-family residential accessory pool structure and provide a 32-foot front-yard setback, which will require an 18-foot variance to the front-yard setback regulations.
- The subject site's front yard setback is restrictive along Rockbrook Drive with a 50-foot building line, by plat, further reducing the buildable area by 10-feet.
- The subject site's front yard setback is restrictive along Miron Drive with a 50-foot building line, by plat, further reducing the buildable area by 10-feet.
- Due to continuity of the blockface, the subject site side-yards and rear-yards are reduced significantly when compared with development upon other parcels of land in the same zoning district.
- The subject site poses challenging topography with various grade changes of roughly 13-feet spread over the site.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front-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 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 variance to the front-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-26-000013 at 9612 Rockbrook Dr](#)

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.

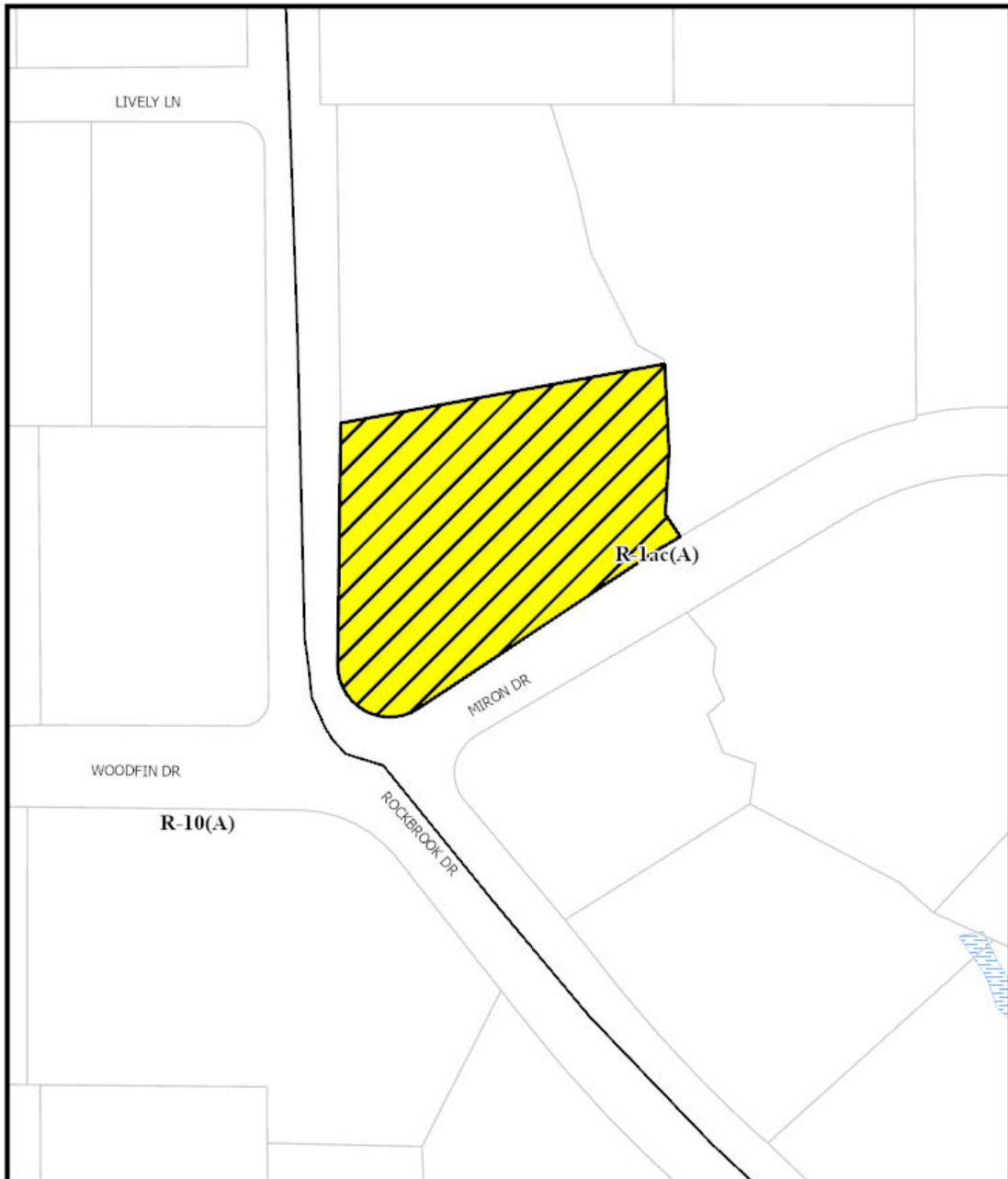


1:1,200

AERIAL MAP

Case no: BOA-26-000013

Date: 03/16/2026





1:1,200

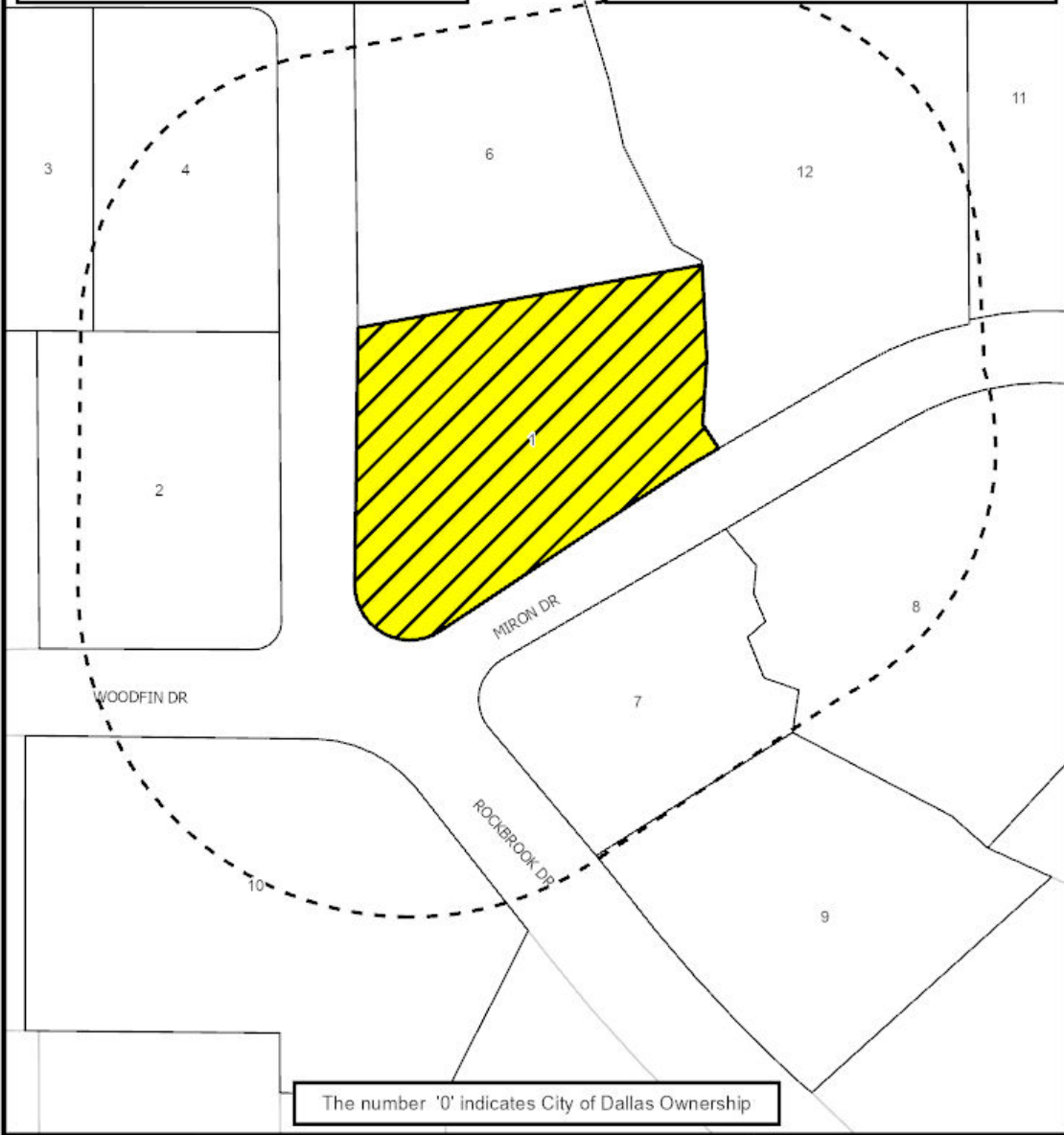
ZONING MAP

Case no: BOA-26-000013

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
12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BOA-26-000013**
 Date: **3/16/2026**

Notification List of Property Owners

BOA-26-000013

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9612 ROCKBROOK DR	WITTER LYSLE & ANAH HANSON
2	4531 WOODFIN DR	DENKER CHARRON
3	4514 LIVELY LN	SIMON STUART B & STACY D
4	9669 ROCKBROOK DR	KIMBERLIN JOHN &
5	4606 PARK LN	FOUR THOUSAND TRUST THE
6	9624 ROCKBROOK DR	STUART BARKLEY &
7	9522 ROCKBROOK DR	LADUE FAMILY TRUST THE
8	4644 MIRON DR	GEHAN TIMOTHY REVOCABLE
9	9512 ROCKBROOK DR	3HU ESTATE TRUST
10	4530 WOODFIN DR	GREEN ERIC C & DEBRA J
11	4644 PARK LN	MIRON PROPERTY LLC
12	4627 MIRON DR	MILTENBERGER BAY W &

 1:1,200	NOTIFICATION	Case no: BOA-26-000013
	200' AREA OF NOTIFICATION 12 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 3/16/2026

Route Directions:

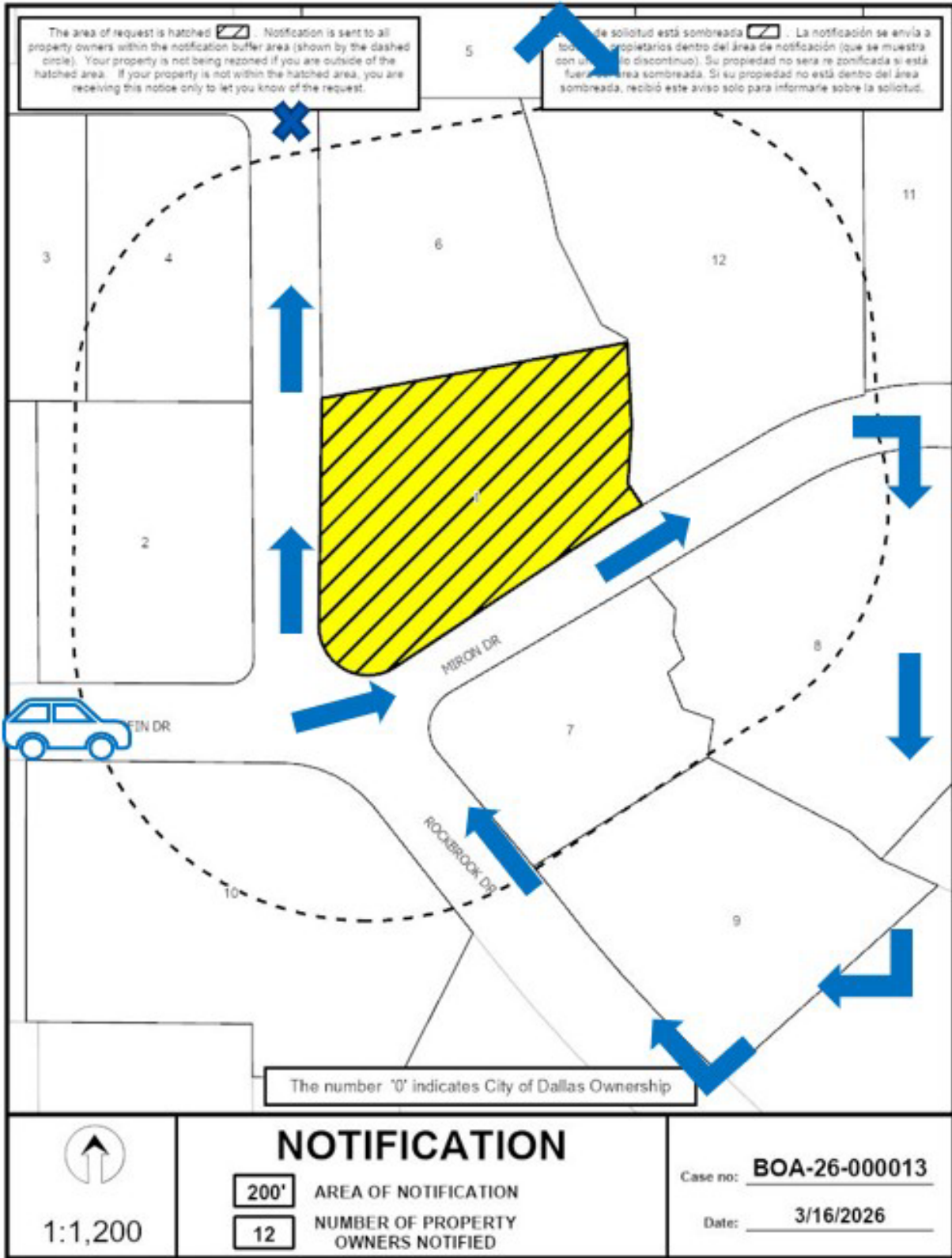
Start on Woodfin Dr.

Left on Miron Dr.

Right on Rockbrook Dr.

***Subject Site at 0:28 and 2:05**

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:

BOA-26-000013(BT) Application of Philip McEwan for **(1)** a variance to the front yard setback regulations at **9612 ROCKBROOK DRIVE**. This property is more fully described as Block 5555, Lot 1, and is zoned R-1ac(A), which requires a front yard setback of 50-feet. The applicant proposes to construct and/or maintain a single-family residential accessory pool structure and provide a 32-foot front yard setback, which will require **(1)** an 18-foot variance to the front 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 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 or 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

Letters will be received until 9:00 am
the day of the hearing.

PLEASE REGISTER AT:

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