

**FILE NUMBER:** BOA-25-000069(SD)

**BUILDING OFFICIAL'S REPORT:** Application of Josue Martinez for **(1)** a variance to the side yard setback regulations at **10315 OAKWOOD DRIVE**. This property is more fully described as Block 8772, Part of Lot 7, and is zoned A(A), which requires a side yard setback of 20 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side yard setback, which will require **(1)** a 15-foot variance to the side yard setback regulations.

**LOCATION:** 10315 Oakwood Drive

**APPLICANT:** Josue Martinez

**REQUEST:**

(1) 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, 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 evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as letters of opposition were not received. A variance for a slightly smaller lot is typically found not to harm the public because the goal of zoning laws is to promote the general welfare, not to confiscate the reasonable use of private property. A minor deviation often does not: alter the essential character of the neighborhood; pose a threat to public health or safety; or impede light, air, or open space in a way that is significantly different from surrounding properties. Appears to not pose any safety, aesthetic, or monetary issues (S.A.M.).
- B. Lot is considered to be restrictive in area and shape due to relative narrow 45-foot wide front yard and a 5-foot easement on the property that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning.
- C. Does not appear to be a self-created or personal hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: A(A)  
North: A(A)  
East: A(A)  
South: A(A)  
West: A(A)

**Land Use:**

The subject site is developed with a single-family structure, and the surrounding properties are also single-family.

**BDA History:**

No BDA history has been found within the last 5 years

### **GENERAL FACTS/STAFF ANALYSIS:**

- The application of Josue Martinez for the property located at 10315 Oakwood Drive focuses on one request relating to the side-yard setback regulations.
- As illustrated on the site plan, the applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side yard setback, which will require a 15-foot variance to the side yard setback regulations.
- The site has an active permit (RES-NEW-25-000665) for the construction and/or move of a single-family dwelling.
- Referred by the City of Dallas residential staff on September 5, 2025, for a variance to a side-yard setback.
- Lot is considered to be restrictive in area and shape due to relative narrow 45-foot wide front yard and a 5-foot easement on the property that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. Adjacent and surrounding lots appear to have at least double the width of the lot of subject site.
- The minimum side yard requirement for this lot is 20-feet which is nearly half of the lot's width inhibiting the lot's buildable area that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning.
- Based upon staff's analysis of the surrounding properties listed on the property owner's report, the subject site is one of two lots of the 9 properties notified in the 200 feet area of notification with a lot width of less than 50 feet. Additionally, this lot has a 5-foot easement.
- The applicant has the burden of proof in establishing the following:
  1. That granting the variance to the side-yard setback 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)**

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 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-25-000069 at 10315 Oakwood Drive](#)

**Timeline:**

- October 27, 2025: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 5, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- November 14, 2025: 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 **December 1, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **December 5, 2025**, 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.
- December 1, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **December** public hearings. Review team members in attendance included: Planning Manager, The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, Project Coordinator, Conservation District Chief Planner, Chief Arborists, and Transportation Engineer.

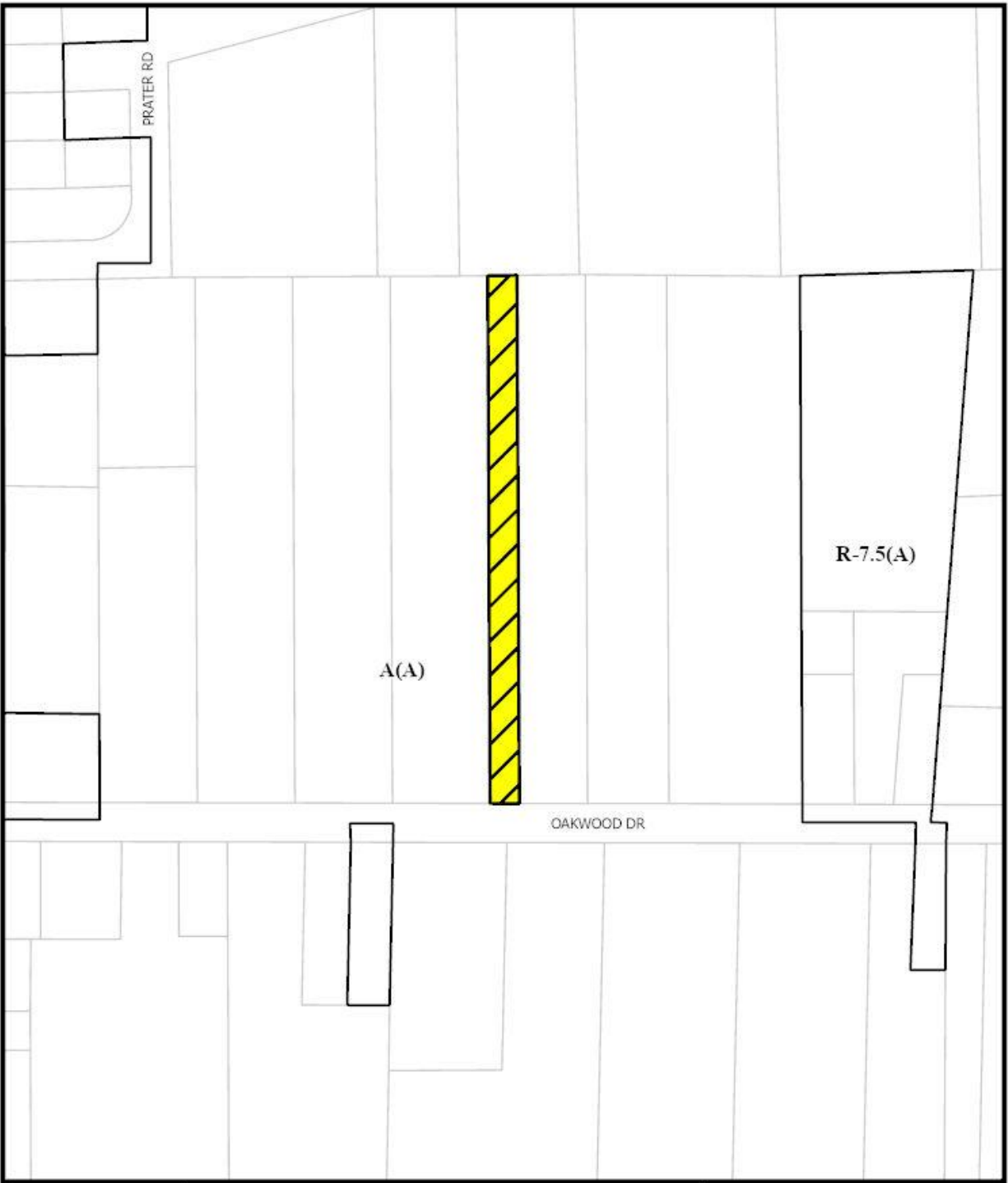


1:2,400

## AERIAL MAP

Case no: **BOA-25-000069**

Date: **10/29/2025**

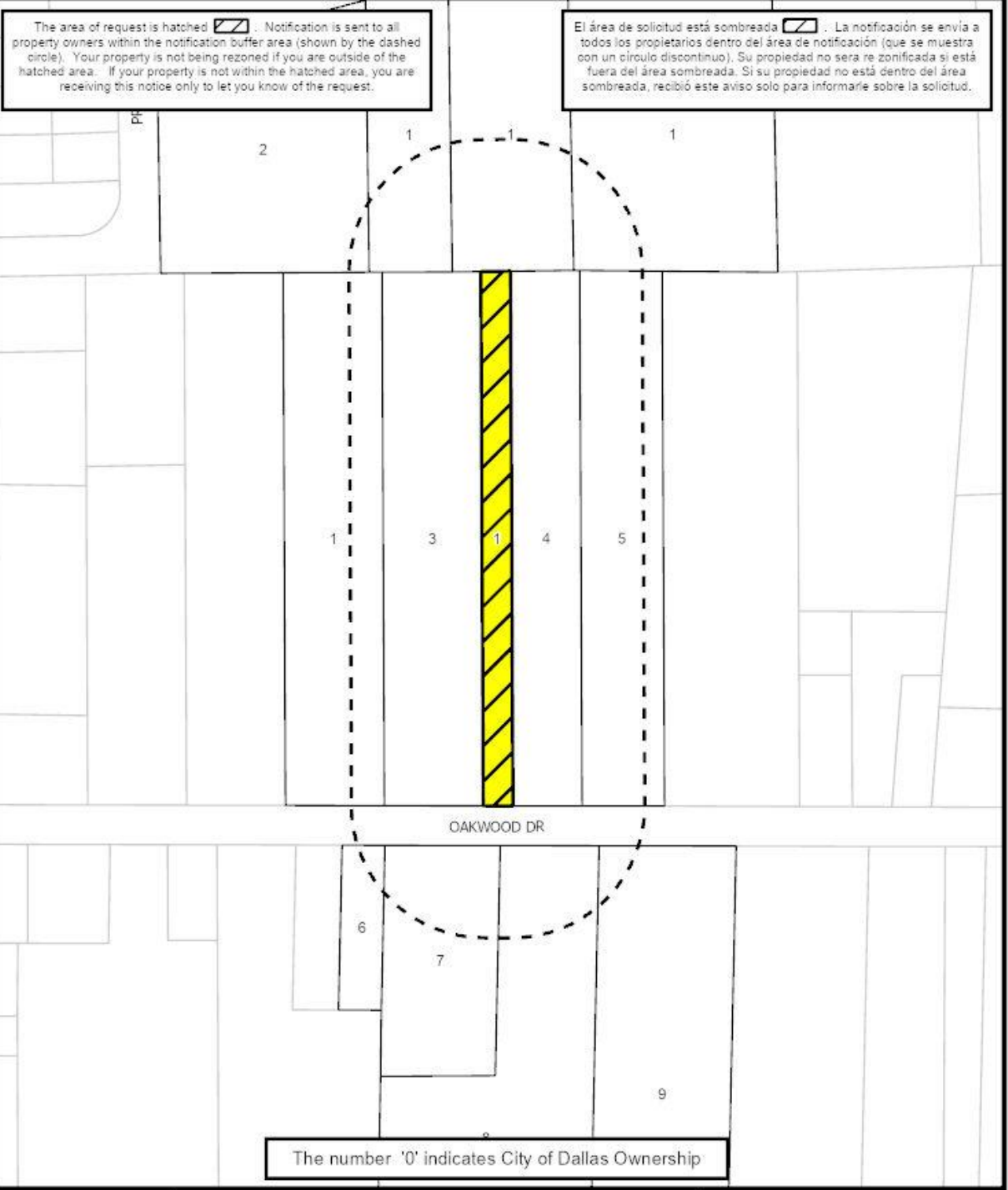


1:2,400

## ZONING MAP

Case no: BOA-25-000069

Date: 10/29/2025



  1:2,400	<b>NOTIFICATION</b>		Case no: <b>BOA-25-000069</b>
	<div>200'</div> AREA OF NOTIFICATION	<div>9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>10/29/2025</b>

10/29/2025

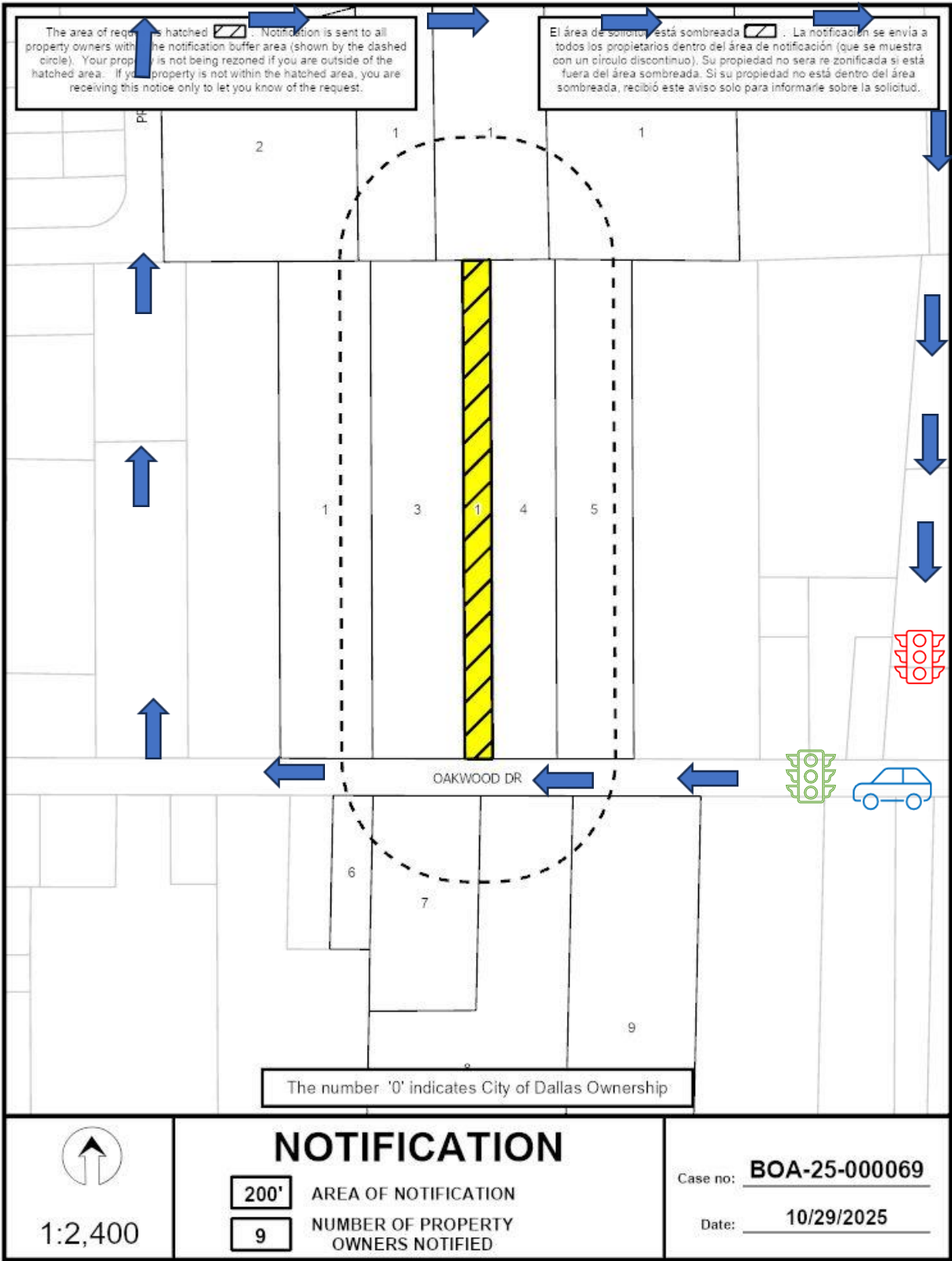
## ***Notification List of Property Owners***

***BOA-25-000069***

### ***9 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10230 SEWELL RD	RUIBAL FARMS LP
2	1538 PRATER RD	WHITE KENNETH RAY
3	10241 OAKWOOD DR	WALES KENNY
4	10325 OAKWOOD DR	SALAS BERNARDO E
5	10335 OAKWOOD DR	HERNANDEZ HONORIO &
6	10234 OAKWOOD DR	JONES LOREN DELMER &
7	10310 OAKWOOD DR	GAMEZ ROMAN
8	10320 OAKWOOD DR	GONZALEZ CARLOS
9	10328 OAKWOOD DR	ARROYO GABRIEL S & EDITH RODRIGUEZ

200' Radius Route Map



Case no: BOA-25-000069

Date: 10/29/2025

 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BOA-25-000069</b>
	<div>200'</div> AREA OF NOTIFICATION	<div>9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>10/29/2025</b>

**Route Directions:**

**Start on Oakwood Drive.**

**Right on Prater Street.**

**Right on Sewell Drive.**

**Right on Haymarket Road.**

**\*\*\*END\*\*\***

**\*Subject Site at 1:00 from Oakwood Drive.**



## Planning & Development Department

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

BOARD OF ADJUSTMENT REFERRAL FORM	
Referred by: e.lachica	Date: 9/5/2025
Department: Planning and development residential	
Phone/Email: eemon.lachica@dallas.gov	
Manager signature:	
Consulted with:	
<input checked="" type="checkbox"/> Applicant	
<input type="checkbox"/> Representative	
<input type="checkbox"/> Owner	
Name: Josue Martinez	
Phone/Email: jamasonry@gmail.com	
Property Information	
Address: 10315 OAKWOOD DR	
Lot: 7	
City Block: 8772	
Zoning Classification: A(A)	
Issues that require Board action	
List the City of Dallas Development Code(s) this project is non-compliant with: SEC. 51A-4.111. A(A)-(B) side yard	
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: 20' side yard setback	
Alternative resolutions discussed/offered: none	



## NOTICE OF PUBLIC HEARING

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

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

**DATE:** **MONDAY, DECEMBER 15, 2025**

**BRIEFING:** **10:30 a.m.** via **Videoconference** and in **6ES COUNCIL BRIEFING** at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa1215>

**HEARING:** **1:00 p.m.** **Videoconference** and in **6ES COUNCIL BRIEFING** at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa1215>

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

---

**BOA-25-000069(ND)** Application of Josue Martinez for **(1)** a variance to the side yard setback regulations at **10315 OAKWOOD DRIVE**. This property is more fully described as Block 8772, Part of Lot 7, and is zoned A(A), which requires a side yard setback of 20 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side yard setback, which will require **(1)** a 15-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](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-C-Register> by the **5 p.m. on Sunday, December 14, 2025**. **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 Sheniqua Dunn, Senior Planner at (214) 948-4501, 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-C-Register>**