

FILE NUMBER: BOA-26-000038

BUILDING OFFICIAL'S REPORT: Application of Jorge Maliachi for **(1)** a variance to the front yard setback regulations, **(2)** a variance to the side yard setback regulations, **(3)** a variance to the side yard setback regulations, and **(4)** a variance to the maximum lot coverage regulations at **5418 MELROSE AVENUE**. This property is more fully described as Block C/1978, Lots 8, 9, and 10, and is zoned R-7.5(A), which requires a front yard setback of 25-feet, a side yard setback of 5-feet, and limits the lot coverage to 45 percent for residential structures. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot front yard setback, which will require **(1)** an 18-foot variance to the front yard setback regulations, to construct and/or maintain a single-family residential structure and provide a 3-foot side yard setback at the west side of the property, which will require **(2)** a 2-foot variance to the side yard setback regulations, to construct and/or maintain a single-family residential structure and provide a 3-foot 10-inch side yard setback at the east side of the property, which will require **(3)** a 1-foot 2-inch variance to the side yard setback regulations, and to construct and or maintain a single-family residential structure with 53 percent lot coverage (2,302 square feet), which will require **(4)** an 8 percent (368.35 square foot) variance to the maximum lot coverage regulations.

LOCATION: 5418 Melrose Avenue

APPLICANT: Jorge Maliachi

REQUEST:

- (1) a variance to the front yard setback regulations
- (2) a variance to the side yard setback regulations
- (3) a variance to the side yard setback regulations
- (4) a variance to the maximum lot coverage 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 (4):

Variance (4):

Denial (4)

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

- A. Contrary to the public interest.
- B. The subject site is restrictive in area as it is well below the minimum lot size for the zoning district. The minimum lot size for R-7.5(A) is 7,500 square feet, the subject site has a lot size of 4,546.84 square feet; 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: R-7.5(A)
North: TH-3(A)
East: R-7.5(A)
South: R-7.5(A) and PD-462
West: R-7.5(A) and PD-462

Land Use:

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

BDA History:

No BDA history has been found within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jorge Maliachi for the property located at 5418 Melrose Avenue focuses on four requests relating to the front and side yard setback regulations as well as the lot coverage regulations.
- The first request, the applicant is proposing to construct and maintain a single-family residential structure and provide a 7-foot front yard setback, which will require an 18-foot variance to the front yard setback regulations.
- The second request focuses on the side yard. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 3-foot side yard setback along the west side of the property, which will require a 2-foot special exception.
- Additionally, the applicant is also proposing to construct and/or maintain a single-family residential structure and provide a 3-foot 10-inch side yard setback along the east side of the property, which will require a 1-foot 2-inch variance to the side yard setback regulations.
- Lastly, the applicant is proposing to construct and/or maintain a single-family residential structure with 53 percent lot coverage (2,302 square feet), which will require an 8 percent (368.35 square foot) variance to the maximum lot coverage regulations.
- It is imperative to note that while the lot size is well below the minimum lot size for lots within the R-7.5(A) zoning district, the property is currently developed with a single-family home.
- The current single-family home will be demolished and rebuilt.
- Per the applicant, the subject site presents a unique physical hardship not created by the property owners. The lot is substandard in size, being both narrow in width and short in depth compared to other lots in the surrounding area.
- 200' radius video:
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variances to the front-yard setback, side yard setback regulations and lot coverage 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 BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (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 and side yard setback regulations as well as the lot coverage 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-26-000038 at 5418 Melrose Ave.](#)

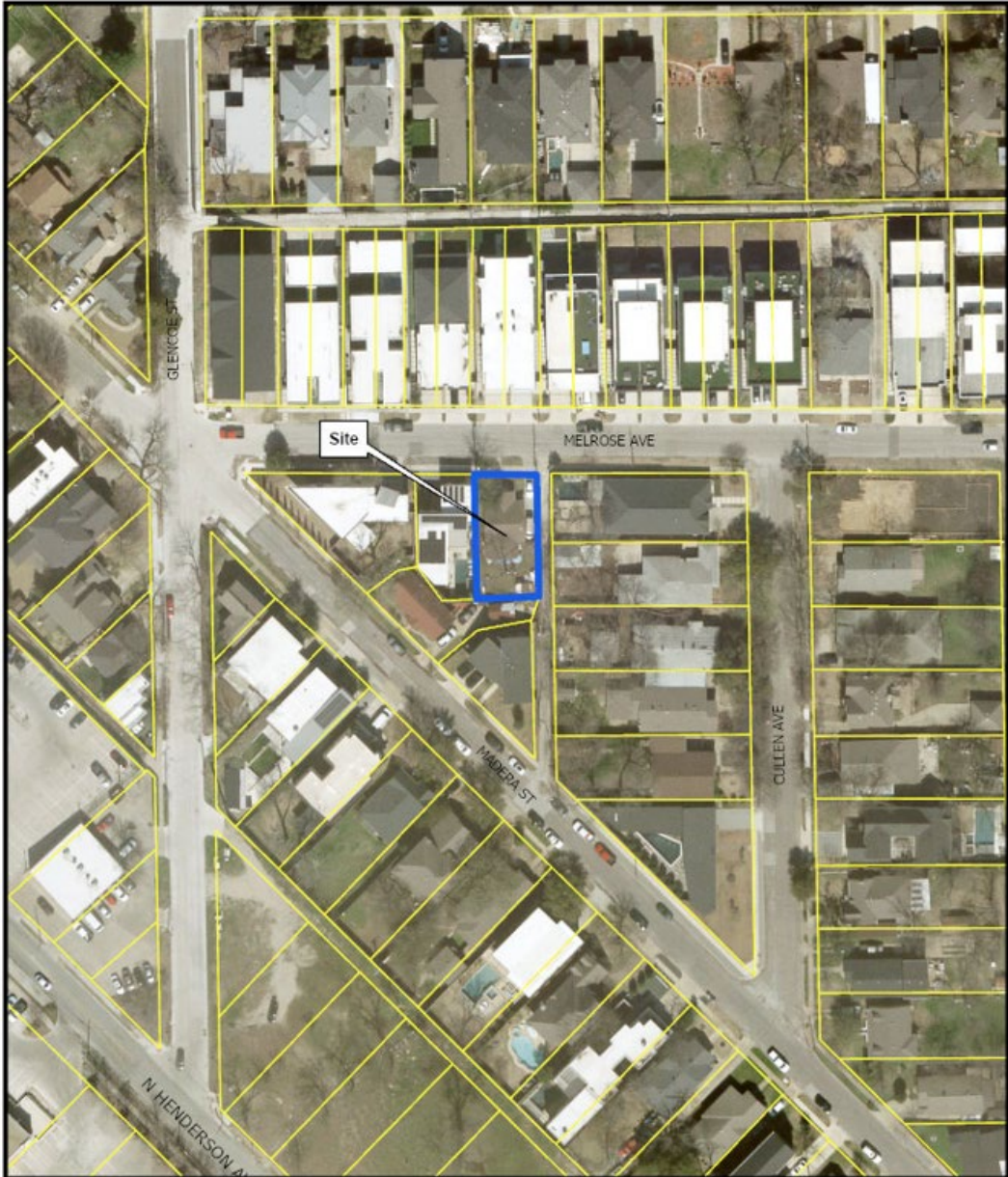
Timeline:

- May 5, 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.
- May 7, 2026: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **C**.
- May 18, 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 **May 22, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **June 5, 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.

May 28, 2026:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **June** 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

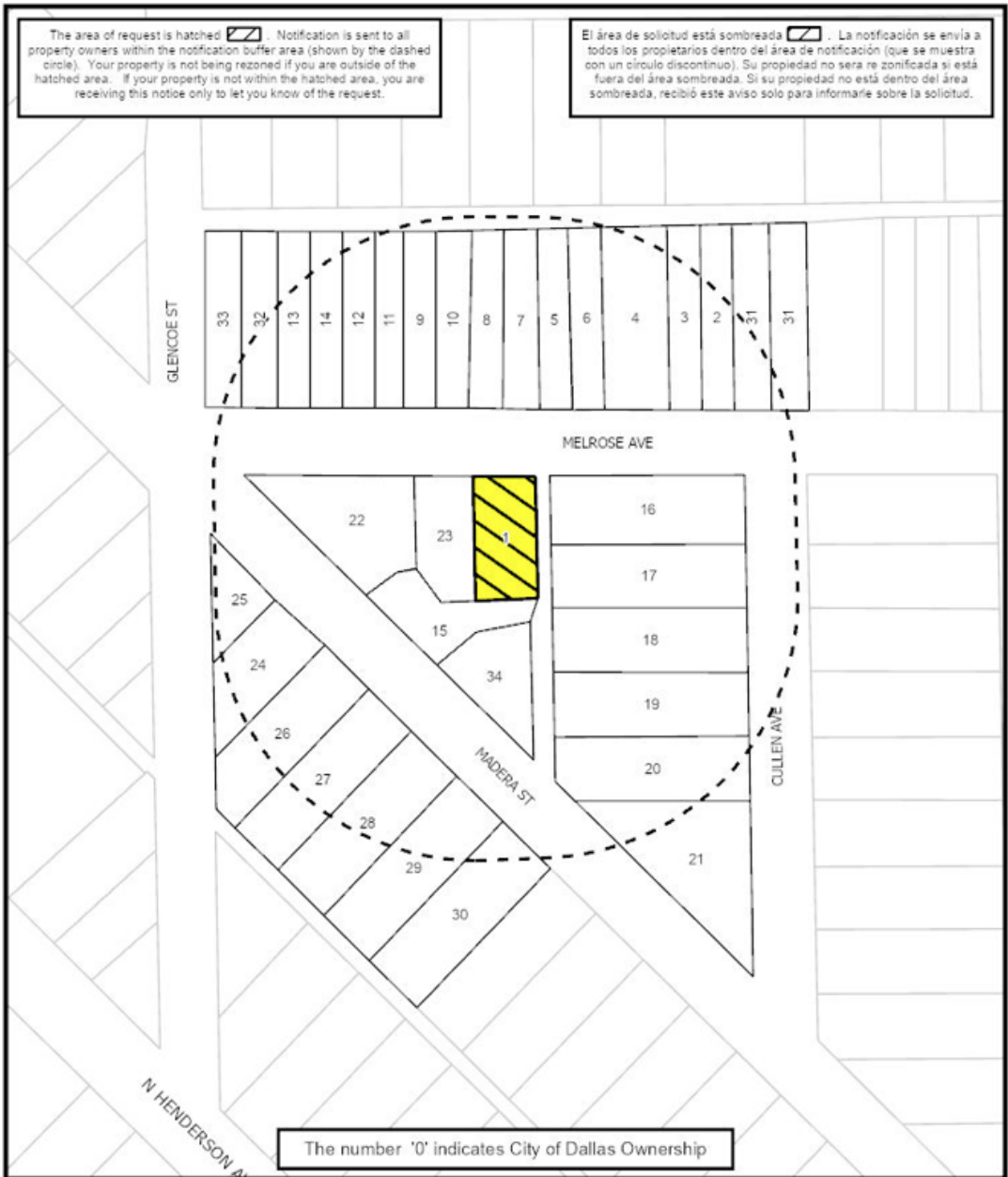
AERIAL MAP

Case no: BOA-26-000038

Date: 05/06/2026

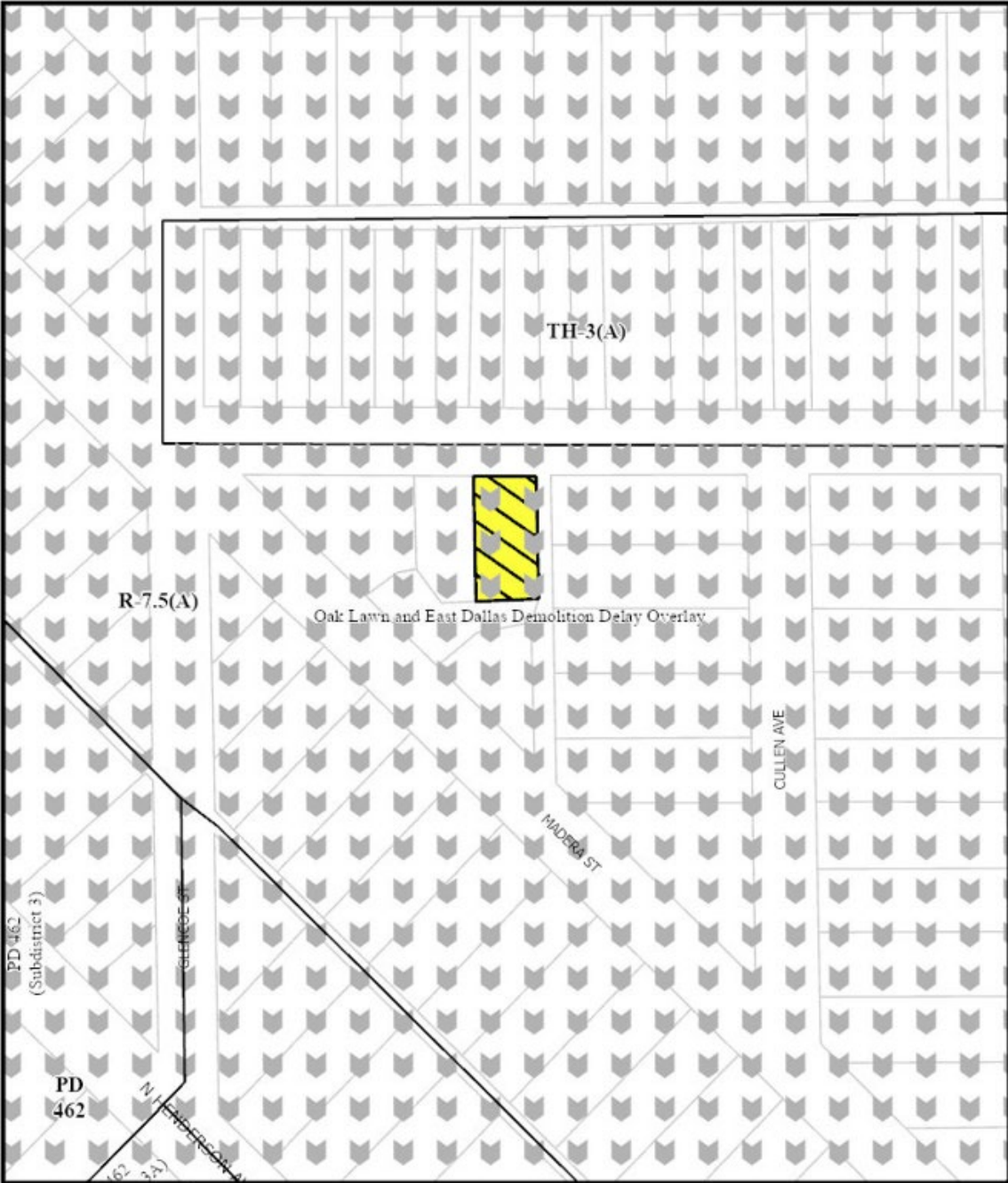
The area of request is hatched  . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only 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		Case no: BOA-26-000038
	<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;">34</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 5/6/2026



1:1,200

ZONING MAP

Case no: **BOA-26-000038**

Date: 05/06/2026

Notification List of Property Owners

BOA-26-000038

34 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5418 MELROSE AVE	GASCA GILBERT JR
2	5431 MELROSE AVE	SCHUL SUSAN W
3	5429 MELROSE AVE	KING CHERYL
4	5427 MELROSE AVE	AJJAZ AHSAN
5	5421 MELROSE AVE	HYRA ROBYN JILL & DANIEL JOHN
6	5423 MELROSE AVE	CROASDALE CHARLES
7	5419 MELROSE AVE	BERGEVIN MARC
8	5417 MELROSE AVE	MCREYNOLDS BRENNAN
9	5413 MELROSE AVE	COLVIN AARON & CHELSEA
10	5415 MELROSE AVE	DEARMAN HALEY
11	5411 MELROSE AVE	IREDALE ALLISON
12	5409 MELROSE AVE	13JERSEYS LLC
13	5405 MELROSE AVE	TOBOLOWSKY ROBERT &
14	5407 MELROSE AVE	GRISCHOW SCOTT D &
15	2232 MADERA ST	CULLEN EDWARD V &
16	2035 CULLEN AVE	SKAGGS KENNETH LEE &
17	2031 CULLEN AVE	MA CULLEN LLC
18	2027 CULLEN AVE	STEINBERG OLIVER
19	2023 CULLEN AVE	LOPEZ LAZARO S &
20	2019 CULLEN AVE	MENDOZA MIGUEL ANGEL &
21	2015 CULLEN AVE	GILLS KIRK BARRETT
22	5410 MELROSE AVE	STAMPER SAMANTHA &
23	5414 MELROSE AVE	CLARK EDWARD L JR
24	2237 MADERA ST	SIMMONS JOHN & REBECCA
25	2239 MADERA ST	DOSANITAS LLC
26	2235 MADERA ST	BEAMS MICHAEL I

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2231 MADERA ST	BHAGWAT YASHODA Y &
28	2227 MADERA ST	Taxpayer at
29	2221 MADERA ST	FF I BORROWER II LLC
30	2217 MADERA ST	ZYLKA PROPERTIES LLC
31	5433 MELROSE AVE	SWANCOAT JOHN D II
32	5403 MELROSE AVE	STACKLE KIRK & ALECHA
33	5401 MELROSE AVE	MCLAUGHLIN CURT &
34	2228 MADERA ST	ALLANA LINDSEY

Start in alley (at subject site)

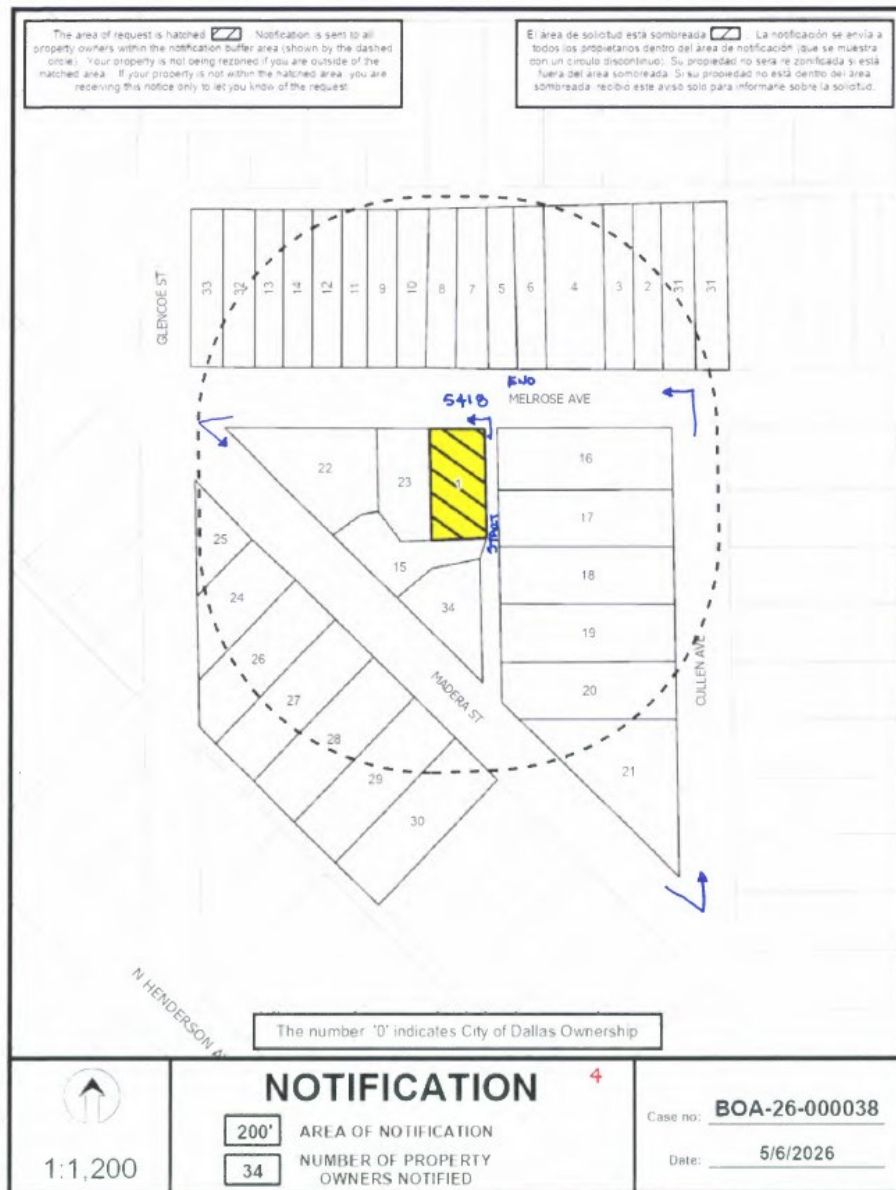
Turn left on Melrose (at subject site)

Turn left on Madera

Turn left on Cullen Ave

Turn left on Melrose

***Subject Site at start of video and 1:59**



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, JUNE 15, 2026

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa061526>

HEARING: 1:00 p.m. Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa061526>

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

BOA-26-000038(KMH) Application of Jorge Maliachi for (1) a variance to the front yard setback regulations, (2) a variance to the side yard setback regulations, (3) a variance to the side yard setback regulations, and (4) a variance to the maximum lot coverage regulations at 5418 MELROSE AVENUE. This property is more fully described as Block C/1978, Lots 8, 9, and 10, and is zoned R-7.5(A), which requires a front yard setback of 25-feet, a side yard setback of 5-feet, and limits the lot coverage to 45 percent for residential structures. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot front yard setback, which will require (1) an 18-foot variance to the front yard setback regulations, to construct and/or maintain a single-family residential structure and provide a 3-foot side yard setback at the west side of the property, which will require (2) a 2-foot variance to the side yard setback regulations, to construct and/or maintain a single-family residential structure and provide a 3-foot 10-inch side yard setback at the east side of the property, which will require (3) a 1-foot 2-inch variance to the side yard setback regulations, and to construct and or maintain a single-family residential structure with 53 percent lot coverage (2,302 square feet), which will require (4) an 8 percent (368.35 square foot) variance to the maximum lot coverage 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 supporting or opposing 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, June 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/cityofdallastv 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 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-C-Register>