

FILE NUMBER: BOA-25-000109 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Rick P. Garza for **(1)** a variance to the front yard setback regulations at **1116 KENSINGTON DRIVE**. This property is more fully described as Block 3/3821 Lot 3, and is zoned CD-13 (Subarea 1), which requires a front-yard setback of 39-foot 7-inches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 25-foot front yard setback, which will require **(1)** a 14-foot 7-inch variance to the front yard setback regulations.

LOCATION: 1116 Kensington Dr.

APPLICANT: Rick P. Garza

REQUEST:

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

STANDARDS OF REVIEW FOR 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 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. Lot is of a restrictive shape with two street frontages which all limit the buildable area; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: CD-13
North: CD-13
East: CD-13
South: R-7.5 (A)
West: R-7.5 (A)

Land Use:

The subject site is developed with a residential home. Properties to the immediate north, south east and west are also developed with residential homes.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rick P. Garza for the property located at 1116 Kensington Drive focuses on one request relating to a variance to the front-yard setback regulations.
- The applicant is proposing to construct and/or maintain a residential structure and provide a 25-foot front yard setback, which will require a 14-foot 7-inch variance to the front-yard setback regulations.
- CD -13 requires a 39-foot 7-inch front yard setback.

- The applicant is proposing an addition to the existing home.
- Per staff's review of the subject site, there is an existing home; and the applicant is proposing an addition to the northwest side of the property.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front 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.

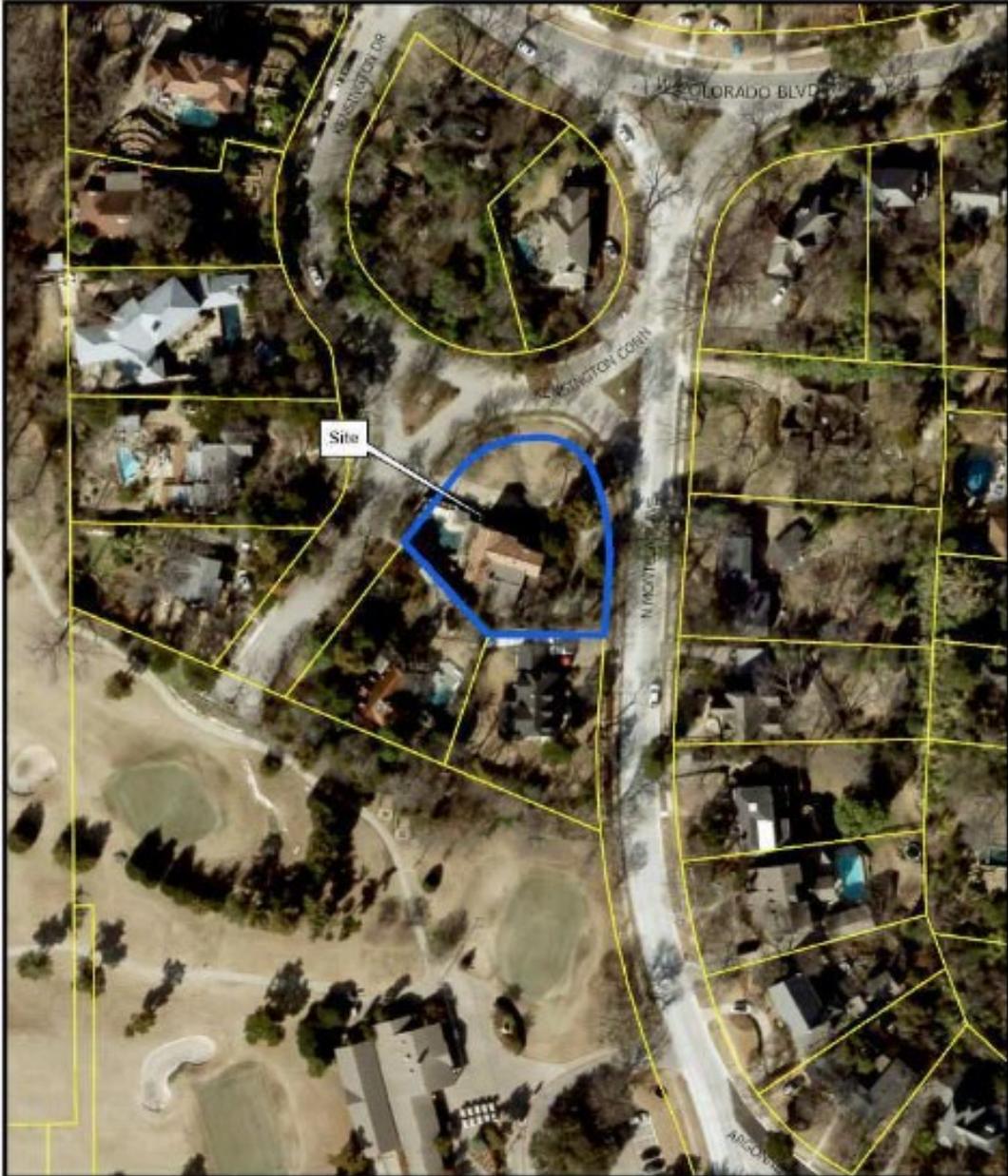
SECTION 51A-3.102(d)(10)(B):

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-25-000109 at 1116 Kensington](#)

Timeline:

- December 30, 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.
- January 8, 2026: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel **B**.
- January 23, 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 **January 23, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **February 6, 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.
- February 4, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **February** 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.

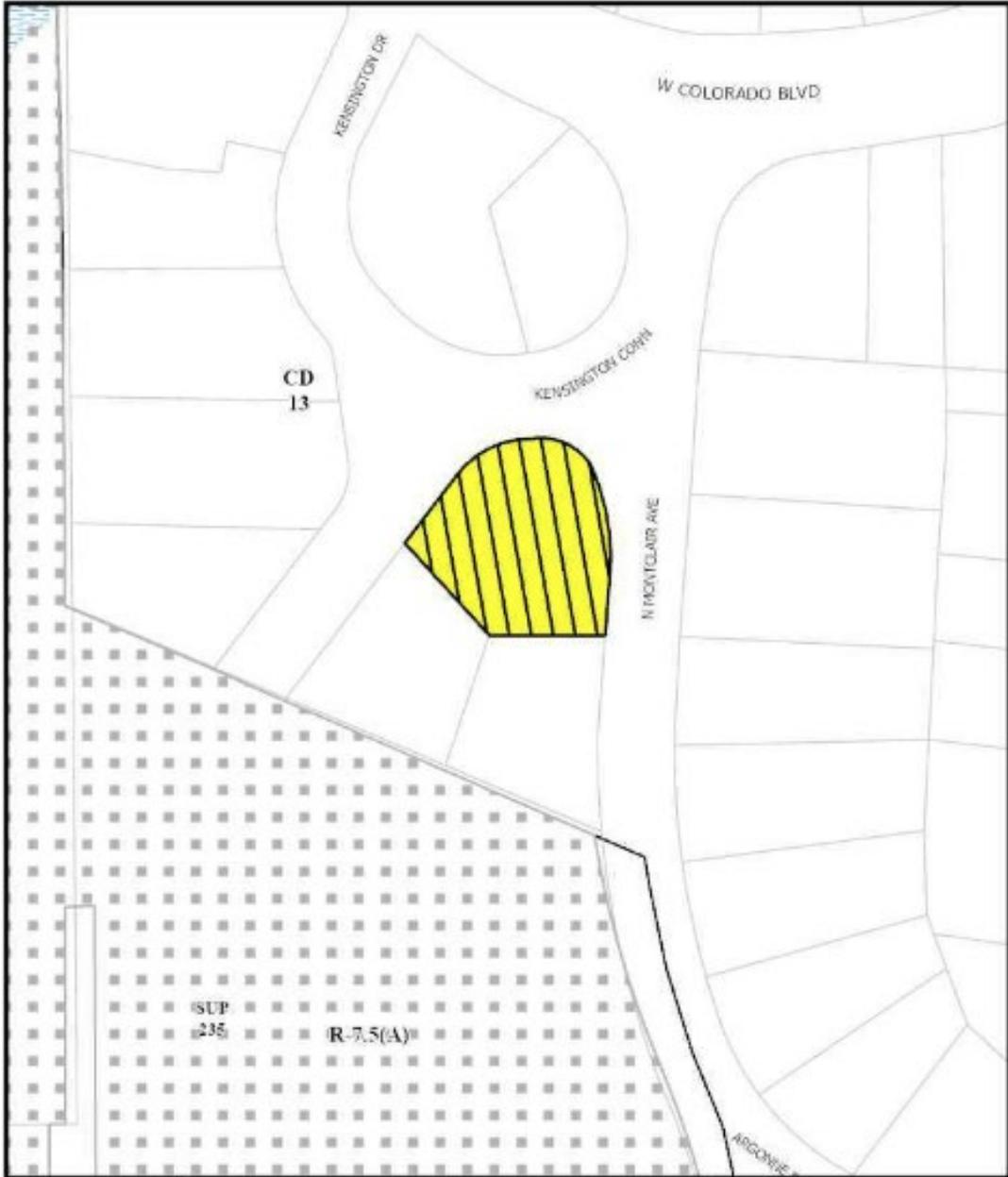


1:1,200

AERIAL MAP

Case no: BOA-25-000109

Date: 01/06/2026



1:1,200

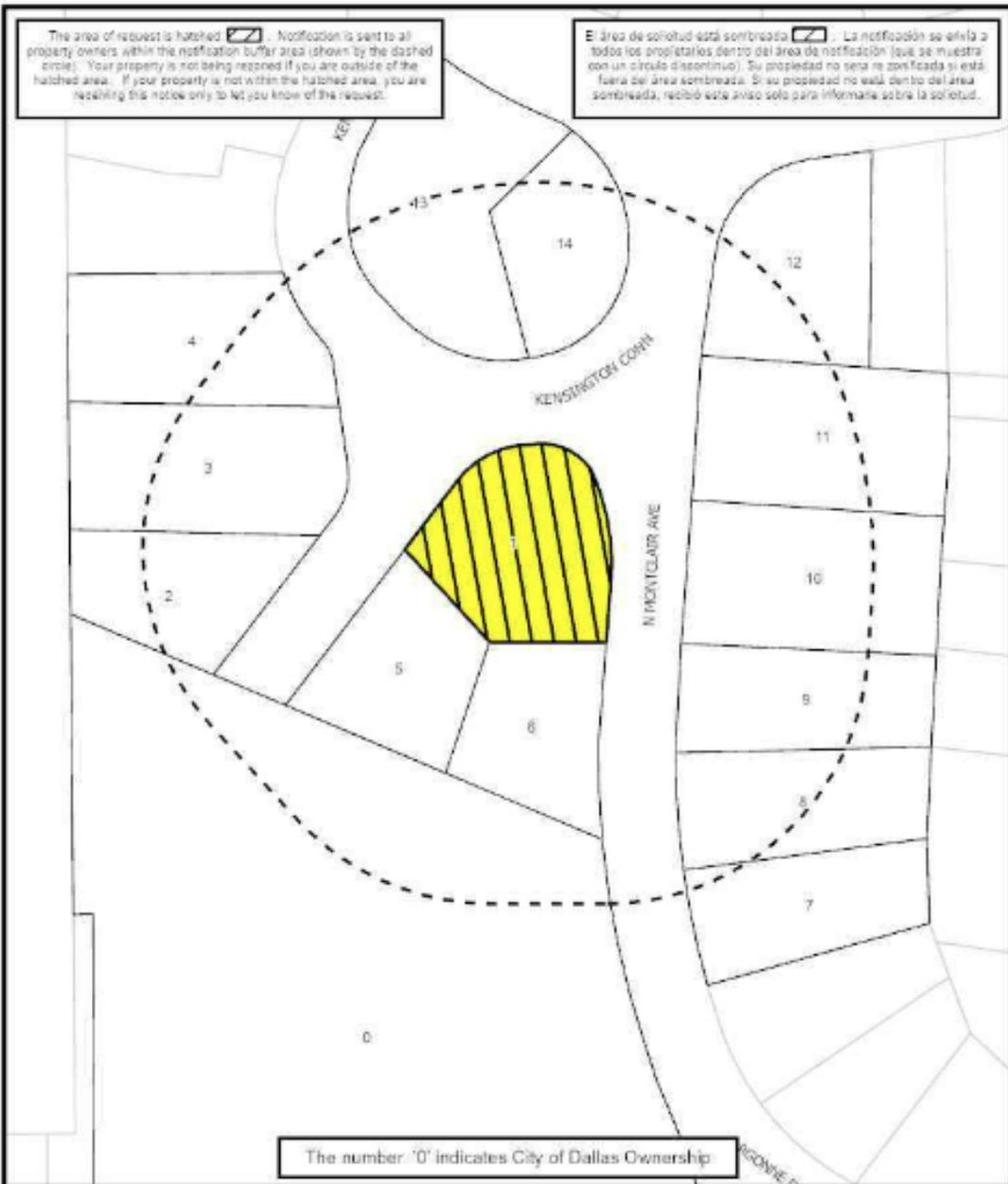
ZONING MAP

Case no: **BOA-25-000109**

Date: **01/06/2026**

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 informarse sobre la solicitud.



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
14 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BOA-25-000109**
 Date: **1/6/2026**

1
01/06/2026

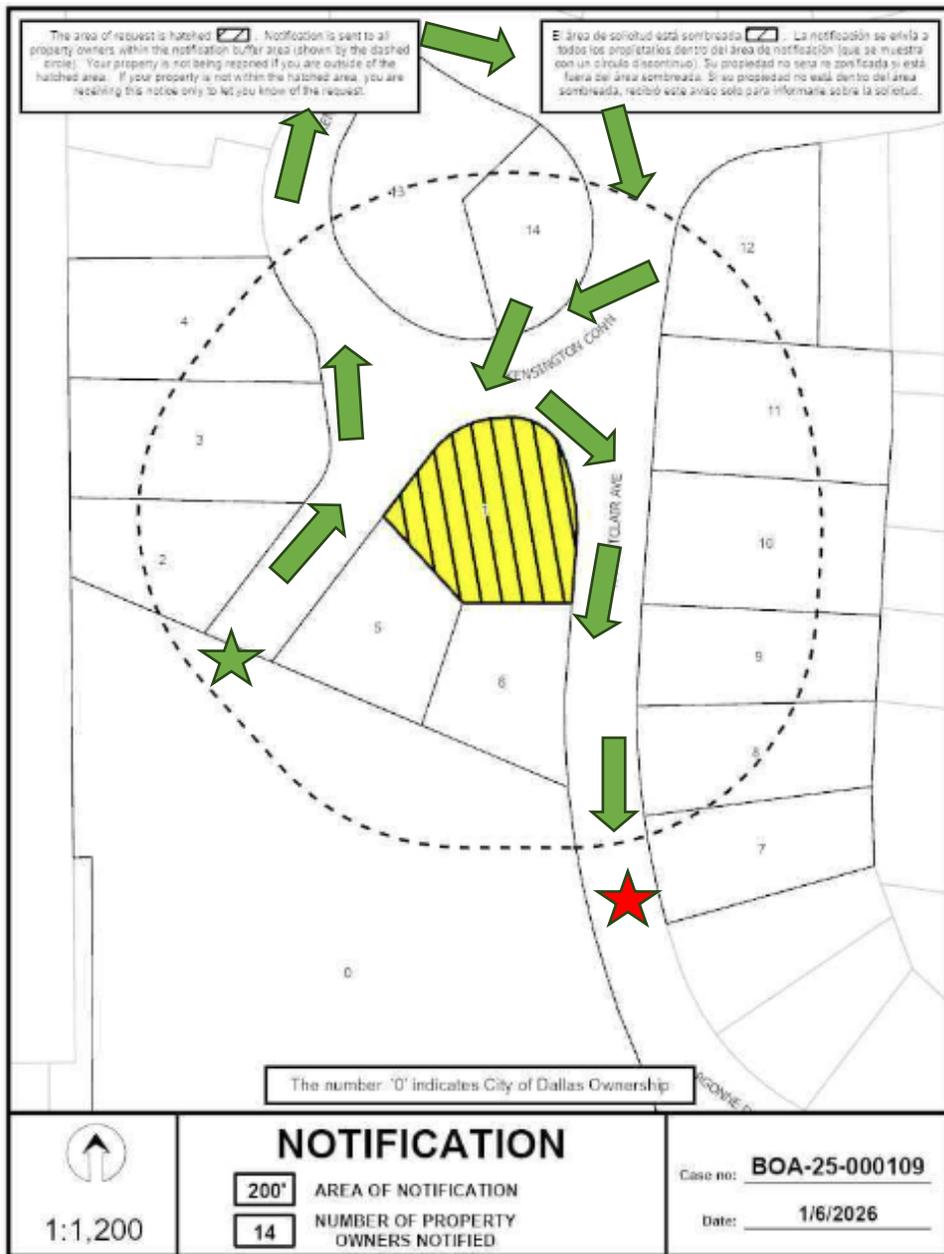
Notification List of Property Owners

BOA-25-000109

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1116 KENSINGTON DR	LEWRIGHT RANDAL L
2	1101 KENSINGTON DR	HESS RACHAEL E &
3	1113 KENSINGTON DR	AUSTRY MIKE
4	1123 KENSINGTON DR	MORONEY MICHAEL
5	1106 KENSINGTON DR	DEGROOT JON CHRISTOPHER &
6	1019 N MONTCLAIR AVE	DAVIS TAMARA D & BRADLEY L
7	1010 N MONTCLAIR AVE	DAVIS BRIAN Q & SUSANNA T
8	1016 N MONTCLAIR AVE	HIGHTOWER ELIZABETH S
9	1022 N MONTCLAIR AVE	LEE JAMES R & CAROLINE J
10	1100 N MONTCLAIR AVE	DAUGHERTY WILLIAM COLE &
11	1112 N MONTCLAIR AVE	KNODLE BONITA GAYLE
12	1122 N MONTCLAIR AVE	DREYER NICHOLE &
13	1608 W COLORADO BLVD	TOWNSEND JAMES F III &
14	1111 N MONTCLAIR AVE	GUIRGUIS MICHAEL &

200' Radius Route Map



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, FEBRUARY 18, 2026**

BRIEFING: **10:30 a.m.** via **Videoconference** and in **6ES COUNCIL BRIEFING**, Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa21826>

HEARING: **1:00 p.m.** via **Videoconference** and in **6ES COUNCIL BRIEFING**, Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa21826>

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

BOA-25-000109(KMH) Application of Rick P. Garza for **(1)** a variance to the front yard setback regulations at **1116 KENSINGTON DRIVE**. This property is more fully described as Block 3/3821 Lot 3 and is zoned CD-13 (Subarea 1), which requires a front-yard setback of 39-feet 7-inches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 25-foot front yard setback, which will require **(1)** a 14-foot 7-inch 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 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, January 20, 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 & 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>