

FILE NUMBER: BOA-25-000092(SD)

BUILDING OFFICIAL'S REPORT: Application of **PETER DONEGAN** for **(1)** a variance to the side yard setback regulations at **411 N MARLBOROUGH AVENUE**. This property is more fully described as Block 2/3320, Lot 5, and is zoned R-7.5(A), which requires a side yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 2-foot side yard setback, which will require **(1)** a 3-foot variance to the side yard setback regulations.

LOCATION: 411 N Marlborough Avenue

APPLICANT: Peter Donegan

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 due to slope 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: R-7.5(A)
- North: R-7.5(A)
- East: R-7.5(A)
- South: R-7.5(A)
- West: R-7.5(A)

Land Use:

The subject site is developed with a single-family structure, and the surrounding properties are composed of single-family, multifamily, restaurant, retail, general merchandise, and institutional uses.

BDA History:

No BDA history has been found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Peter Donegan for the property located at 411 N Marlborough Avenue focuses on one request relating to the side-yard setback regulations.
- As illustrated on the site, elevation, and floor plans, the applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 2-foot side yard setback, which will require a 3-foot variance to the side yard setback regulations.
- Referred by the City of Dallas residential staff on October 28, 2025, for a variance to a side-yard setback.
- Lot is considered to be restrictive due to slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning as evidenced by elevations and documentary evidence submitted by applicant.
- The minimum side yard requirement for this lot is 5-feet.
- The block that this lot sits on shows a slope easement.
- Based upon staff's analysis, relative to other residential zoning districts in the City of Dallas this lot is considered to be of nominal size. Due to the size of the lot and observation of surrounding properties staff has concluded that granting a variance to the side yard setback: will not harm the public; will promote the general welfare of zoning laws; and would be considered reasonable use of the property.
- 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)

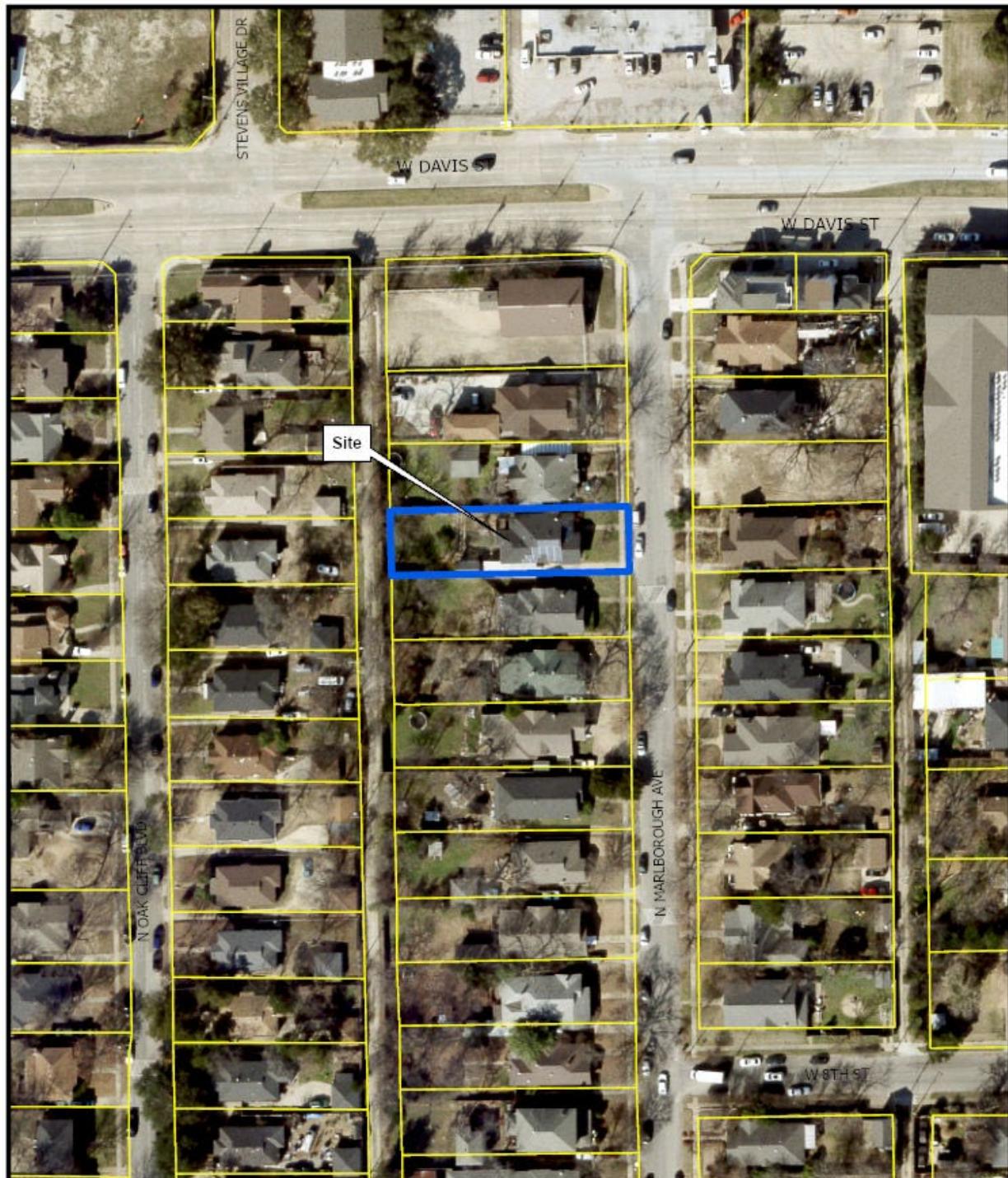
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- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.
- Granting the variance to the side-yard setback regulations with 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-25-000092 at 411 N Marlborough Ave](#)

Timeline:

- December 2, 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.
- December 4, 2025: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- December 16, 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 26, 2025**, deadline to submit additional evidence for staff to factor into their analysis; and **January 9, 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 31, 2025: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **January** 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.



1:1,200

AERIAL MAP

Case no: BOA-25-000092

Date: 12/05/2025

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: THURSDAY, JANUARY 22, 2026

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa012226>

HEARING: 1:00 p.m. Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa012226>

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

BOA-25-000092(KMH) Application of Peter Donegan for (1) a variance to the side yard setback regulations at 411 N MARLBOROUGH AVENUE. This property is more fully described as Block 2/3320, Lot 5, and is zoned R-7.5(A), which requires a side yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 2-foot side yard setback, which will require (1) a 3-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. 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 Wednesday, January 21, 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](https://www.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 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

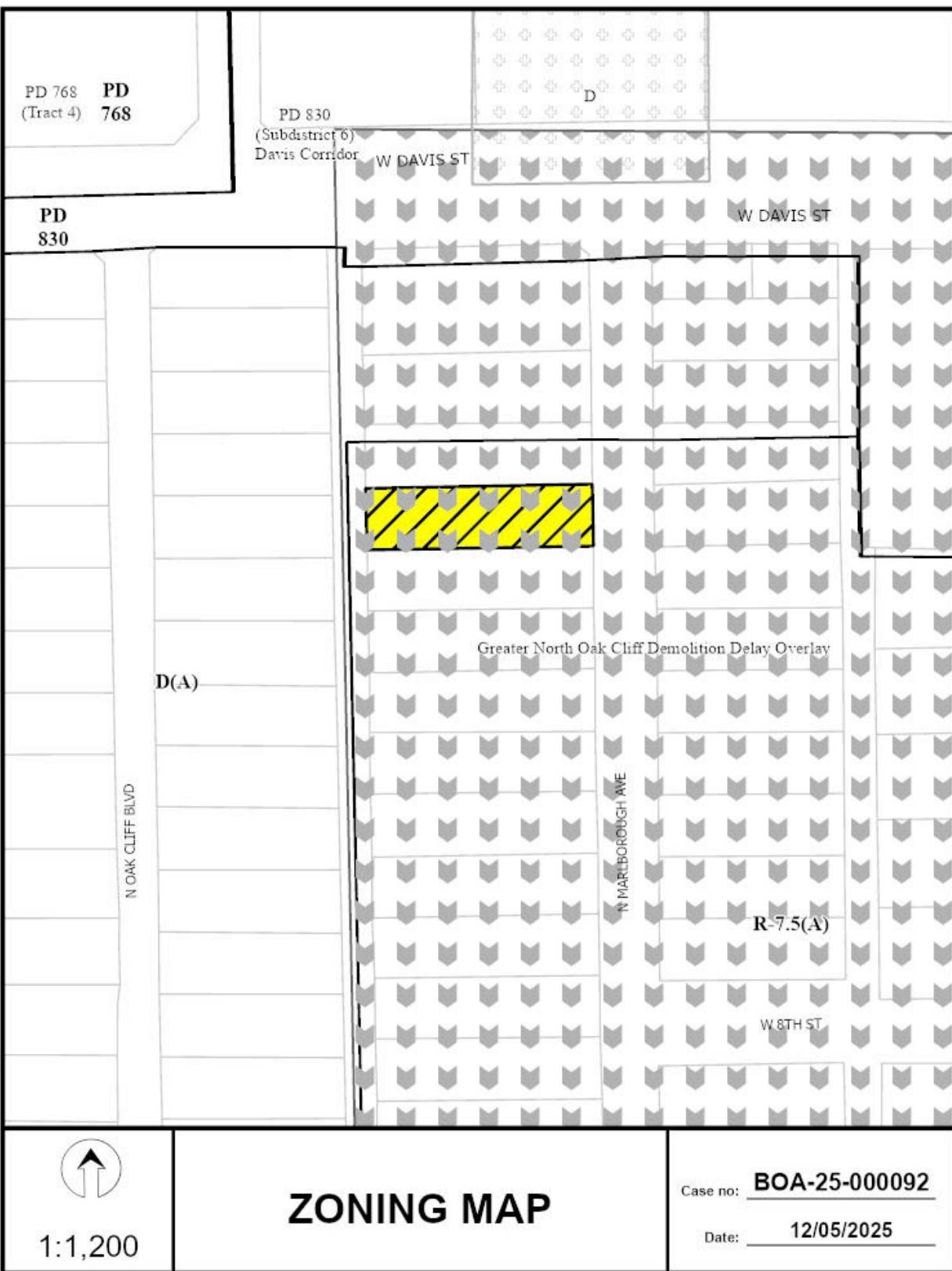
PLEASE SEND REPLIES TO:

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>



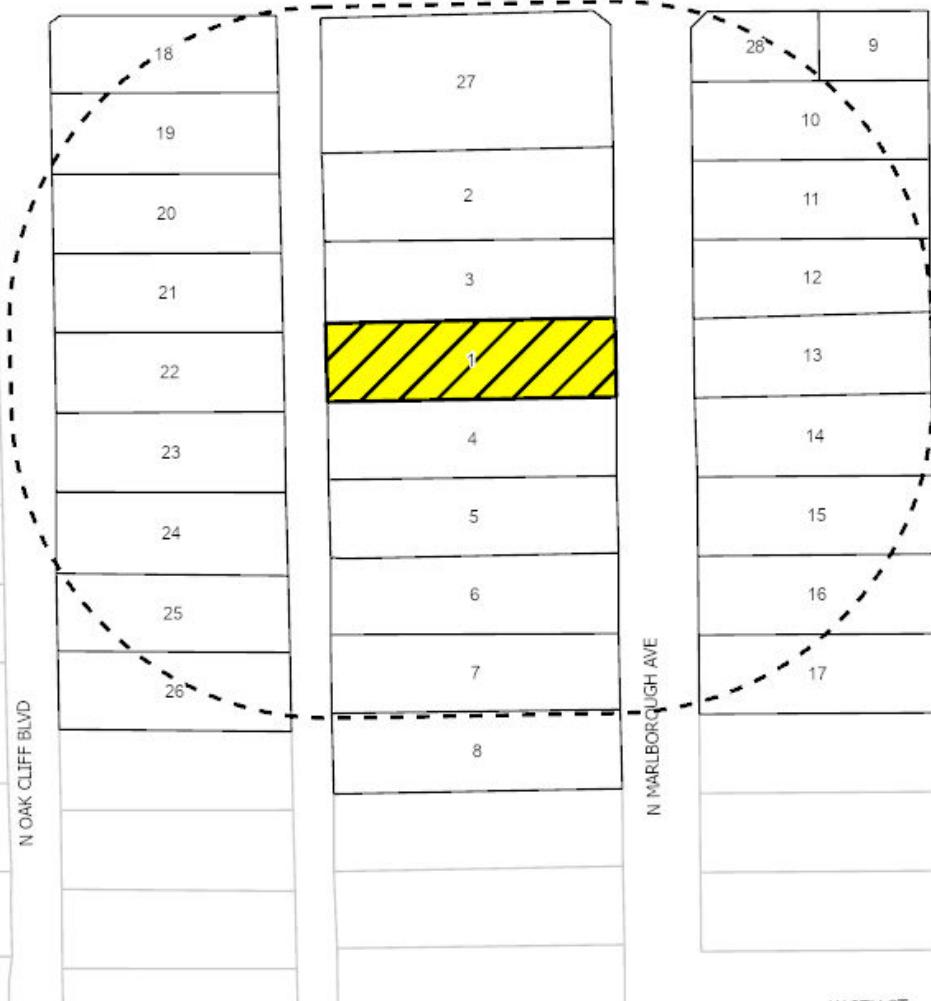
The area of request is hatched  . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only 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 rezonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.

STEVE

W DAVIS ST

W DAVIS ST



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

28

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BOA-25-000092

Date: 12/5/2025

12/05/2025

Notification List of Property Owners

BOA-25-000092

28 Property Owners Notified

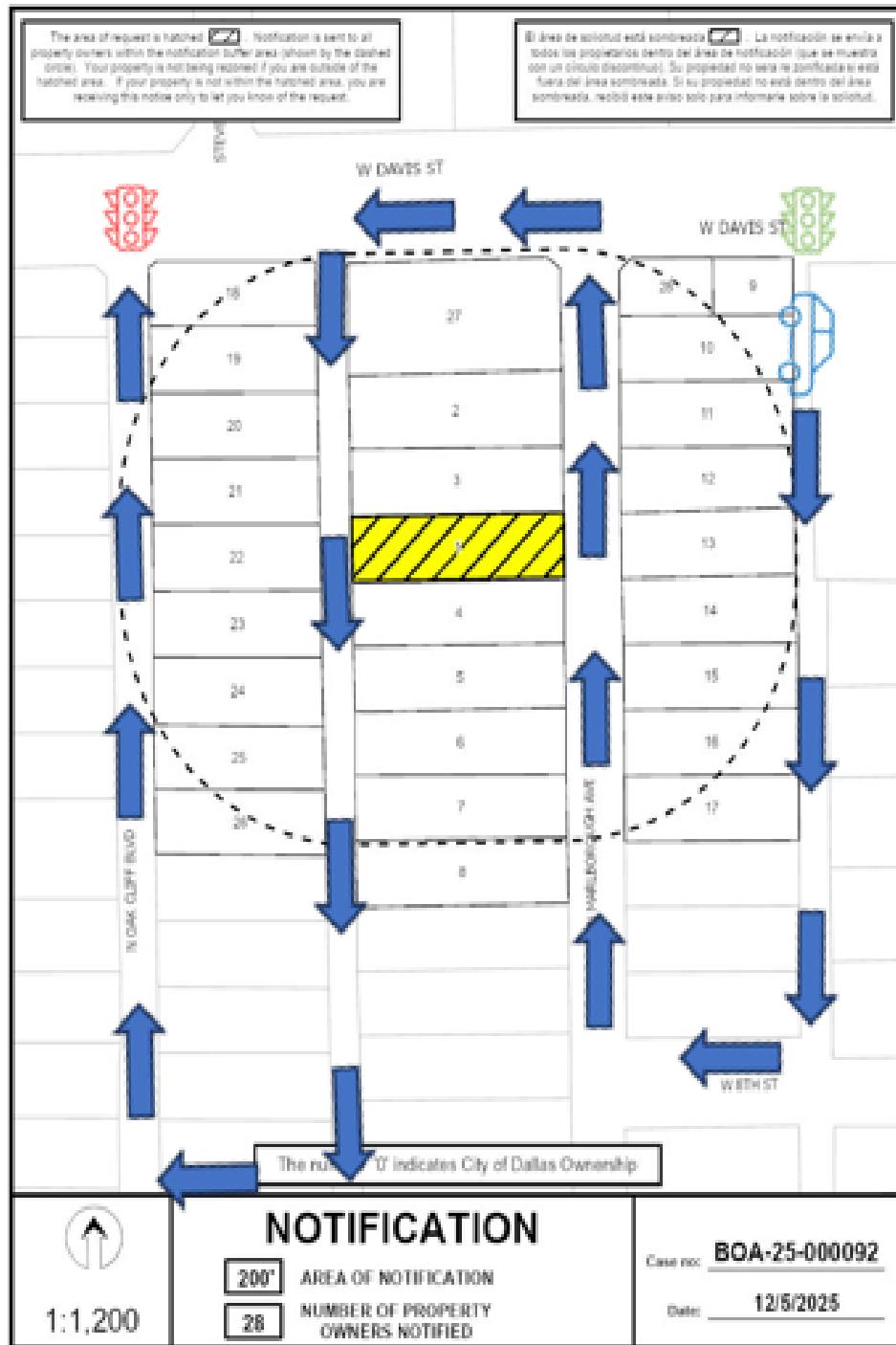
Label # Address

Owner

1	411	N MARLBOROUGH AVE	ASSAAD MICHAEL THOMAS
2	415	N MARLBOROUGH AVE	ALVARADO ELBA D
3	413	N MARLBOROUGH AVE	SHAFER SCOTT &
4	401	N MARLBOROUGH AVE	PESINA DANIEL
5	325	N MARLBOROUGH AVE	RICHMOND CHARLES E & MARI C
6	321	N MARLBOROUGH AVE	GOMEZ ELIZABETH RACHEL &
7	319	N MARLBOROUGH AVE	VICTOR NICHOLAS
8	315	N MARLBOROUGH AVE	BULLARD WENDY SMITH
9	1964	W DAVIS ST	PILLADO LASARAH
10	418	N MARLBOROUGH AVE	ARREDONDOLEON AURORA &
11	416	N MARLBOROUGH AVE	MARLBOROUGH HOLDINGS LLC
12	414	N MARLBOROUGH AVE	WATERS JAMES JOSEPH
13	406	N MARLBOROUGH AVE	MILLER NANCY J
14	402	N MARLBOROUGH AVE	LYNH JOHN & JESSICA
15	322	N MARLBOROUGH AVE	RAMIREZ MARIA
16	318	N MARLBOROUGH AVE	Taxpayer at
17	314	N MARLBOROUGH AVE	CULLEY CHAD B & KRISTINA L
18	522	N OAK CLIFF BLVD	Taxpayer at
19	516	N OAK CLIFF BLVD	HARMON PATRICK G
20	512	N OAK CLIFF BLVD	Taxpayer at
21	508	N OAK CLIFF BLVD	DAY BENJAMIN C &
22	506	N OAK CLIFF BLVD	COVARRUBIAS LINO
23	500	N OAK CLIFF BLVD	SANCHEZ LILIA
24	424	N OAK CLIFF BLVD	GONZALEZ HILDA HERNANDEZ
25	422	N OAK CLIFF BLVD	Taxpayer at
26	416	N OAK CLIFF BLVD	QUINTERO LUCINA

27	427	N MARLBOROUGH AVE	WESTERN DISTRICT CONFERENCE
28	422	N MARLBOROUGH AVE	MODI ABHAY & ARCHANA

200' Radius Route Map



	NOTIFICATION					
1:1,200	<table border="1"><tr><td>200'</td><td>AREA OF NOTIFICATION</td></tr><tr><td>28</td><td>NUMBER OF PROPERTY OWNERS NOTIFIED</td></tr></table>	200'	AREA OF NOTIFICATION	28	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BOA-25-000092</u>
200'	AREA OF NOTIFICATION					
28	NUMBER OF PROPERTY OWNERS NOTIFIED					
		Date: <u>12/5/2025</u>				

Route Directions:

Start on N. Marlborough Avenue Alley

Right on 8th Street

Right on N. Marlborough Avenue

Left into alley of N. Marlborough Avenue

Right on Jefferson Boulevard

Right on N. Oak Cliff Blvd.



Planning & Development Department

320 E Jefferson Blvd, Dallas TX 75203

(214) 948-4480

BOARD OF ADJUSTMENT REFERRAL FORM

Referred by: LANITA JACQUES Date: 10/28/2025

Department: RESIDENTIAL

Phone/Email: 214-948-4678

Manager signature:

Consulted with: DANIELLE MOORE

- Applicant
- Representative
- Owner

Name: MS. DANIELLE

Phone/Email: 855-349-6757

Property Information 411 N. MARLBOROUGH AVE

Address:

Lot: 5

City Block: 2/3320

Zoning Classification: R-7.5(A)

Issues that require Board action: THE DETATCHED GARAGE MUST SIT IN THE REAR 1/3 OF THE LOT

List the City of Dallas Development Code(s) this project is non-compliant with:

Check all that apply: Variance Special Exception

- Yard setback
- Lot Width
- Lot Depth
- Lot coverage
- Floor area for accessory structures for single-family uses
- Height
- Minimum width of sidewalk
- Off-street parking
- Off-street loading
- Landscape regulations
- fence height and/or standards
- Visibility triangle obstructions
- Parking demand
- Additional dwelling unit (not for rent) Accessory dwelling unit (for rent)
- Carport
- Non-conforming use or structure
- Administrative Official Appeal
- Other:

Description: Ruling:

"In a residential district, a person need not provide a side/rear yard setback for a structure accessory to a residential use, including a generator, if the structure: (A) does not exceed 15 feet in height; and (B) is in the rear 30 percent of the lot. Where the rear yard is adjacent to an alley, a three-foot setback must be provided. Where the rear yard is not adjacent to an alley, no setback is required."

Alternative resolutions discussed/offered:

CARPORT WILL BE DEMOED-THEIR TEAM MADE A FEW ATTEMPTS TO REVISE POSSIBLE ALTERNATIVES, BUT CANNOT CREATE THE MANUVERBLITY. DUE TO THE LOCATION OF THE STAIRS THEY WILL LIKE FOR THE EXISTING GARAGE TO REMAIN IN ITS ORIGINAL POSITION AS IS, THEREFORE A VARIANCE IS NEEDED AND THE APPLICANT IS READY TO PROCEED WITH THE BOARD OF ADJUSTMENTS.

