

FILE NUMBER: BOA-26-000005(BT)

BUILDING OFFICIAL'S REPORT: Application of Fred Peña for (1) a variance to the front yard setback regulations at **822 N MONTCLAIR AVENUE**. This property is more fully described as Block 23/3470 Lot 15, and is zoned CD-1 (Subarea 1), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 19-foot 9-inch front yard setback, which will require **(1)** a 5-foot 3-inch variance to the front yard setback regulations.

LOCATION: 822 N Montclair Avenue

APPLICANT: Fred Peña

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, 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:

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 no letters of opposition were received prior to the case report submittal deadline.
- B. The subject site is not restrictive in area, shape, or slope. Taken into consideration the proposed rebuilding of the front porch, the front yard setback of the existing main structure and compared to other lots along N Montclair Avenue within the same blockface, aligns with the intent of approved CD-1 (Subarea 1) regulations. The yard, lot, and space regulations were set in place to ensure that new construction and additions were done in a manner that is compatible with the original architectural styles found in this area including but not limited to front-yard setbacks and this lot will be developed in a manner commensurate with development upon other parcels of land in the same zoning conservation district.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: CD-1 Subarea 1 (King's Highway)
North: CD-1 Subarea 1 (King's Highway)
East: CD-1 Subarea 1 (King's Highway)
South: CD-1 Subarea 1 (King's Highway)
West: CD-1 Subarea 1 (King's Highway)

Land Use:

The subject site and surrounding properties are developed with single-family uses allowed in CD-1 (Subarea 1).

BDA History:

No BDA history has been found within the last five years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Fred Pena for the property located at 822 N Montclair Avenue focuses on one request relating to a variance to the front-yard setback regulations.
- The applicant is proposing to construct and maintain a residential structure and provide a 19-foot 9-inch front-yard setback, which will require a 5-foot 3-inch variance to the front-yard setback regulations.
- It is imperative to note that the subject site is proposing to tear down and rebuild only the front porch. This will result in adding 10-inches to the existing front yard setback.
- It is imperative to note that CD-1 Subarea 1 (King's Highway Conservation District) was approved on March 23, 1988 (Ordinance No. 19910) establishing the following setbacks:
 - CD-1 Subarea 1 (10)(e)(1) The minimum front yard setback is 25 feet. The front yard setback must be within five feet of the average setback of the nearest three main uses within the blockface.
- The majority of lots, including the subject site, vary in front yard setback and measure less than the minimum 25-feet.
- Staff referral provided.
- 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-26-000005 at 822 N Montclair Ave](#)

Timeline:

- January 29, 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.
- February 5, 2026: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- February 20, 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 **February 24, 2026**, deadline to submit additional evidence for staff to factor into their analysis; and **March 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 24, 2026: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the **March** 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-26-000005

Date: 01/30/2026

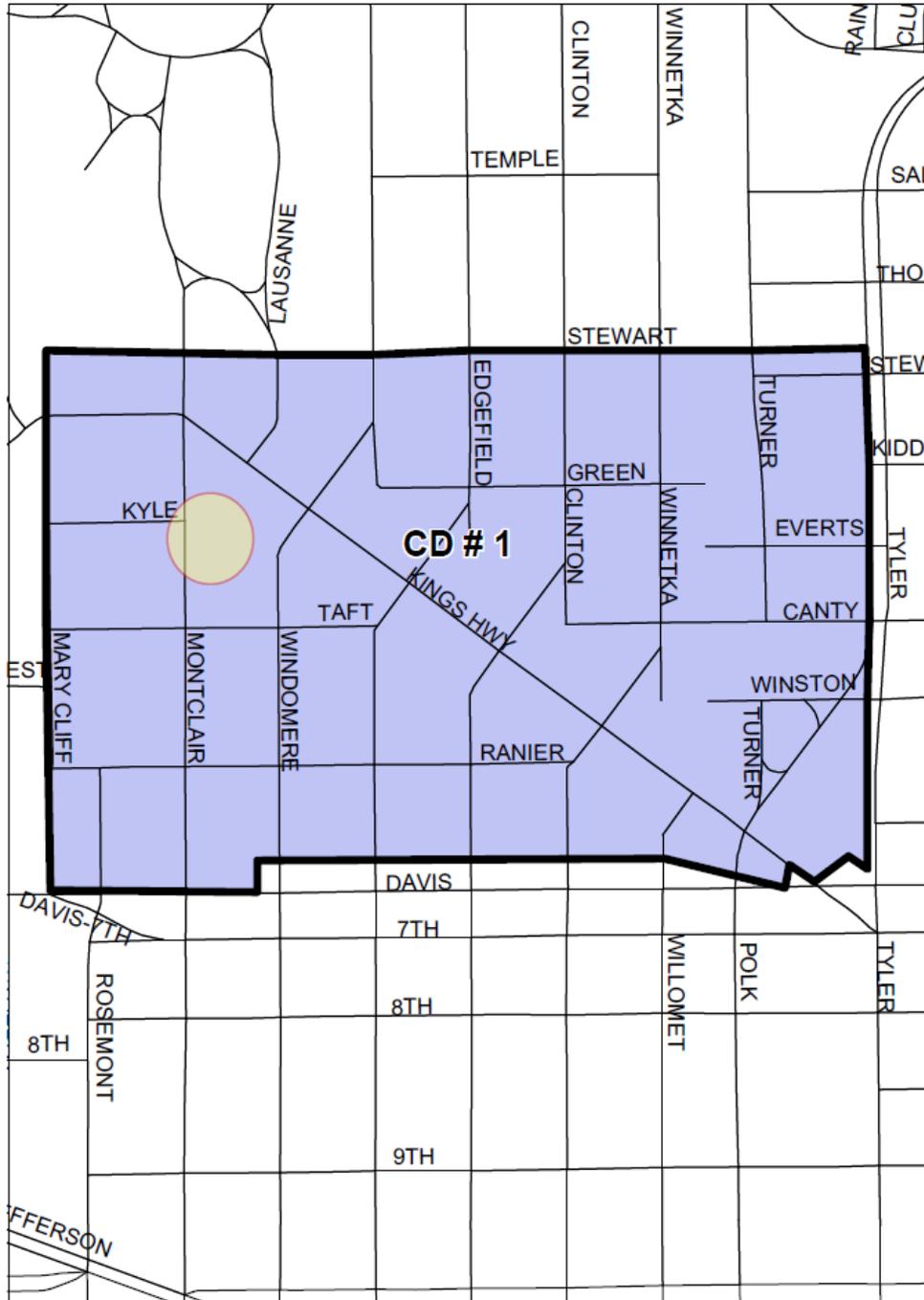


1:1,200

ZONING MAP

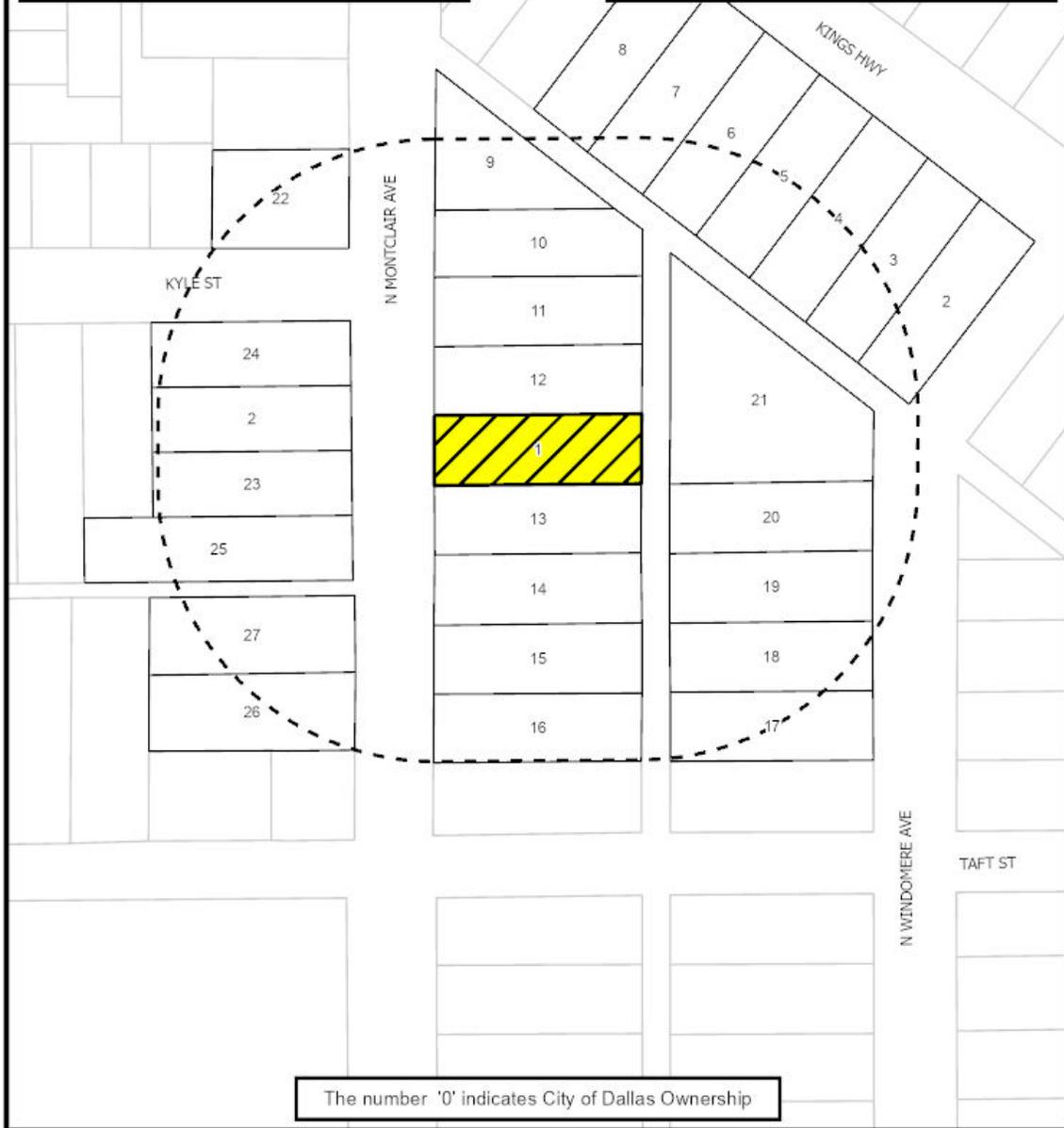
Case no: BOA-26-000005
Date: 01/30/2026

King's Highway Conservation District CD # 1 Boundaries



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	<h2>NOTIFICATION</h2>	Case no: BOA-26-000005
	200' AREA OF NOTIFICATION 27 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 1/30/2026

Notification List of Property Owners

BOA-26-000005

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	822 N MONTCLAIR AVE	POUNDS AMANDA M
2	1500 KINGS HWY	THOMPSON MARGARET ALICE V
3	1506 KINGS HWY	Taxpayer at
4	1510 KINGS HWY	BYROM KYLE
5	1514 KINGS HWY	MALONEY STEPHANIE &
6	1518 KINGS HWY	CARRUTH ROBERT CLARK &
7	1522 KINGS HWY	BAILEY NATHANIEL JOSEPH &
8	1526 KINGS HWY	ROMIG MELISSA A &
9	838 N MONTCLAIR AVE	BARNIDGE BEAU WILLIAM &
10	834 N MONTCLAIR AVE	RANGE WILLIE & SYNTHIA
11	830 N MONTCLAIR AVE	REED JAMES LEE &
12	826 N MONTCLAIR AVE	GRABOWY CHRISTOPHER &
13	818 N MONTCLAIR AVE	GALLEGOS PEDRO
14	814 N MONTCLAIR AVE	MOHNEY LESLEY
15	810 N MONTCLAIR AVE	RAGLAND FRANK W
16	806 N MONTCLAIR AVE	CALLAWAY JEANETTE EST OF
17	805 N WINDOMERE AVE	POSADA MARIA LOURDES & FRANK
18	811 N WINDOMERE AVE	CARDOZA JOSE C EST OF & RITA
19	817 N WINDOMERE AVE	LOPEZ DAVID
20	819 N WINDOMERE AVE	LOPEZ MANUEL & OTILIA
21	821 N WINDOMERE AVE	NITSCHKE JOHN B &
22	903 N MONTCLAIR AVE	TERRELL CASEY &
23	823 N MONTCLAIR AVE	GALLEGOS JESUS M & MELISA
24	831 N MONTCLAIR AVE	MCDOWELL JENNIFER R
25	819 N MONTCLAIR AVE	FLORES ASHLEY BRYAN & ADAM C
26	811 N MONTCLAIR AVE	MAYNOR KELLAM

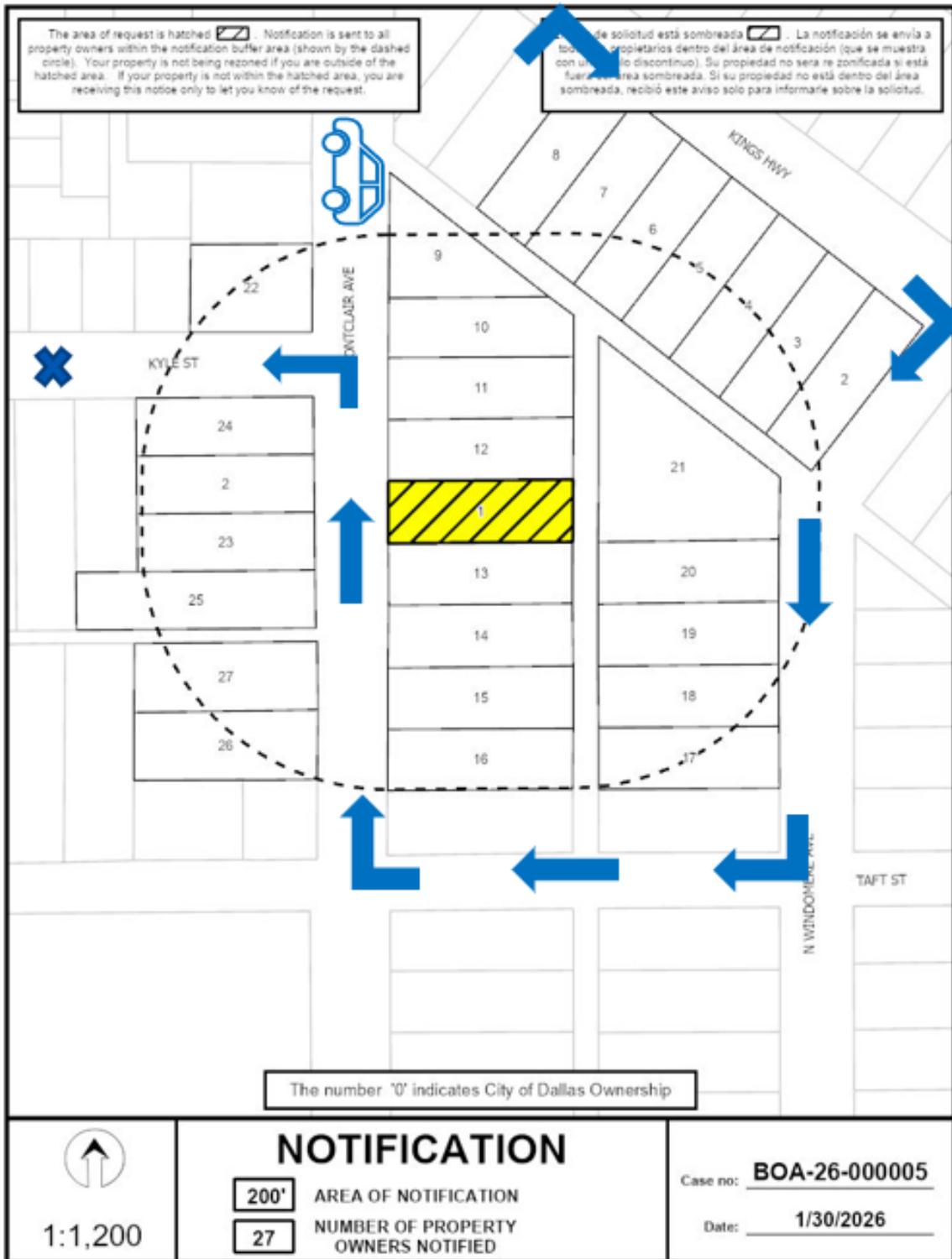
<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	815 N MONTCLAIR AVE	ALVAREZ JOSE CRUZ &

 1:1,200	NOTIFICATION		Case no: <u>BOA-26-000005</u>
	<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;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>1/30/2026</u>	

Route Directions:

Start on N Montclair Ave.
Right on Kings Hwy.
Right on N Windomere Ave.
Right on Taft St.
Right on N Montclair Ave.
Left on Kyle Ave.
***Subject Site at 1:51**

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, MARCH 17, 2026

BRIEFING: 10:30 a.m. via Videoconference and in 6AN COUNCIL CHAMBERS at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa031726>

HEARING: 1:00 p.m. Videoconference and in 6AN COUNCIL CHAMBERS at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa031726>

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

BOA-26-000005(BT) Application of Fred Peña for (1) a variance to the front yard setback regulations at 822 N MONTCLAIR AVENUE. This property is more fully described as Block 23/3470, Lot 15, and is zoned CD-1 (Subarea 1), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 19-foot 9-inch front yard setback, which will require (1) a 5-foot 3-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 at 6AN Council Chambers. 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, March 16, 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 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>