

FILE NUMBER: BOA-26-000061(JM)

BUILDING OFFICIAL'S REPORT: Application of Craig Berry for **(1)** a variance to the front yard setback regulations at **7141 SANTA MONICA DRIVE**. This property is more fully described as Block 2708, Tract 10, and is zoned CD-6 (Tract 1), which requires a front yard setback of 35-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 17-foot 10-inch front yard setback, which will require **(1)** a 17-foot 2-inch variance to the front yard setback regulations.

LOCATION: 7141 SANTA MONICA DRIVE

APPLICANT: Craig Berry

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 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. The subject site differs from typical parcels in CD 6 by its irregular shape and angled frontage along Santa Monica Drive. Measuring the required front yard from the non-rectilinear front lot line produces an uneven setback envelope that reduces the usable building area more severely than on regularly shaped lots in the same district. The requested relief observes the spirit of Chapter 51A by allowing reasonable use of the lot without granting a privilege unavailable to other CD 6 properties.
- 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.

BACKGROUND INFORMATION:

Zoning:

Site: CD-6 Tract 1 (Hollywood Heights – Santa Monica)
North: CD-6 Tract 1 (Hollywood Heights – Santa Monica)
East: CD-6 Tract 1 (Hollywood Heights – Santa Monica)
South: CD-6 Tract 1 (Hollywood Heights – Santa Monica)
West: CD-6 Tract 1 (Hollywood Heights – Santa Monica)

Land Use:

The subject site and surrounding properties are developed with single-family uses allowed in CD-6 (Tract 1).

BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Craig Berry for the property located at 7141 Santa Monica Drive 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 17-foot 10-inch front-yard setback, which will require a 17-foot 2-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 gaining approximately 18 inches to the existing front yard setback.
- It is imperative to note that CD-6 Tract 1 (Hollywood Heights – Santa Monica Conservation District) was approved on March 9, 1993 (Ordinance No. 21608) establishing the following setbacks:
 - CD-6 Tract 1, Sec. 6(a)(3)(A)(i): The minimum front yard setback is 35 feet and (ii) The established building line must be used on blockfaces where the setback is greater than 35 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-26-000061 7141 Santa Monica Drive**](#)

Timeline:

- | | |
|------------------|---|
| July 22, 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. |
| July 29, 2026: | The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C . |
| August 13, 2026: | <p>The Planning and Development Senior Planner emailed the applicant the following information:</p> <ul style="list-style-type: none"> • an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2026, deadline to submit additional evidence for staff to factor into their analysis; and September 3, 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. |
| August 25, 2026: | The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September 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 Arborist, Zoning Senior Planner, and Transportation Engineer. |



Planning & Development Department

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

BOARD OF ADJUSTMENT REFERRAL FORM

Referred by: Michael Flowers	Date: 4/7/2026
Department: Planning and Development, Conservation Districts	
Phone/Email: 214-671-6725 / michael.flowers@dallas.gov	
Manager signature: <i>Malissa Davis</i>	
Consulted with: Chris Chiles	
☒ Applicant	
☐ Representative	
☐ Owner	
Name: Chris Chiles	
Phone/Email: 214-796-9012 / <i>Chris@chilesdesign.net</i>	
Property Information	
Address: 7141 Santa Monica Dr.	
Lot: TR 10 ACS 0.1974 31 FR SANTA FE	
City Block: Block 2708	
Zoning Classification: CD-6	
Issues that require Board action Existing building is in the 35 foot front yard setback and customer wants to expand front porch structure.	
List the City of Dallas Development Code(s) this project is non-compliant with: Ord. 26884(6)(a)(3)(A)(i)	
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: The building is non-conforming with the front yard setback established in Ord. 26884 and already exists within the setback preventing alteration/expansion of front porch and patio. The building predates the establishment of the ordinance.	
Alternative resolutions discussed/offered:	
Alternative resolution offered was to repair the porch without expansion or alteration.	

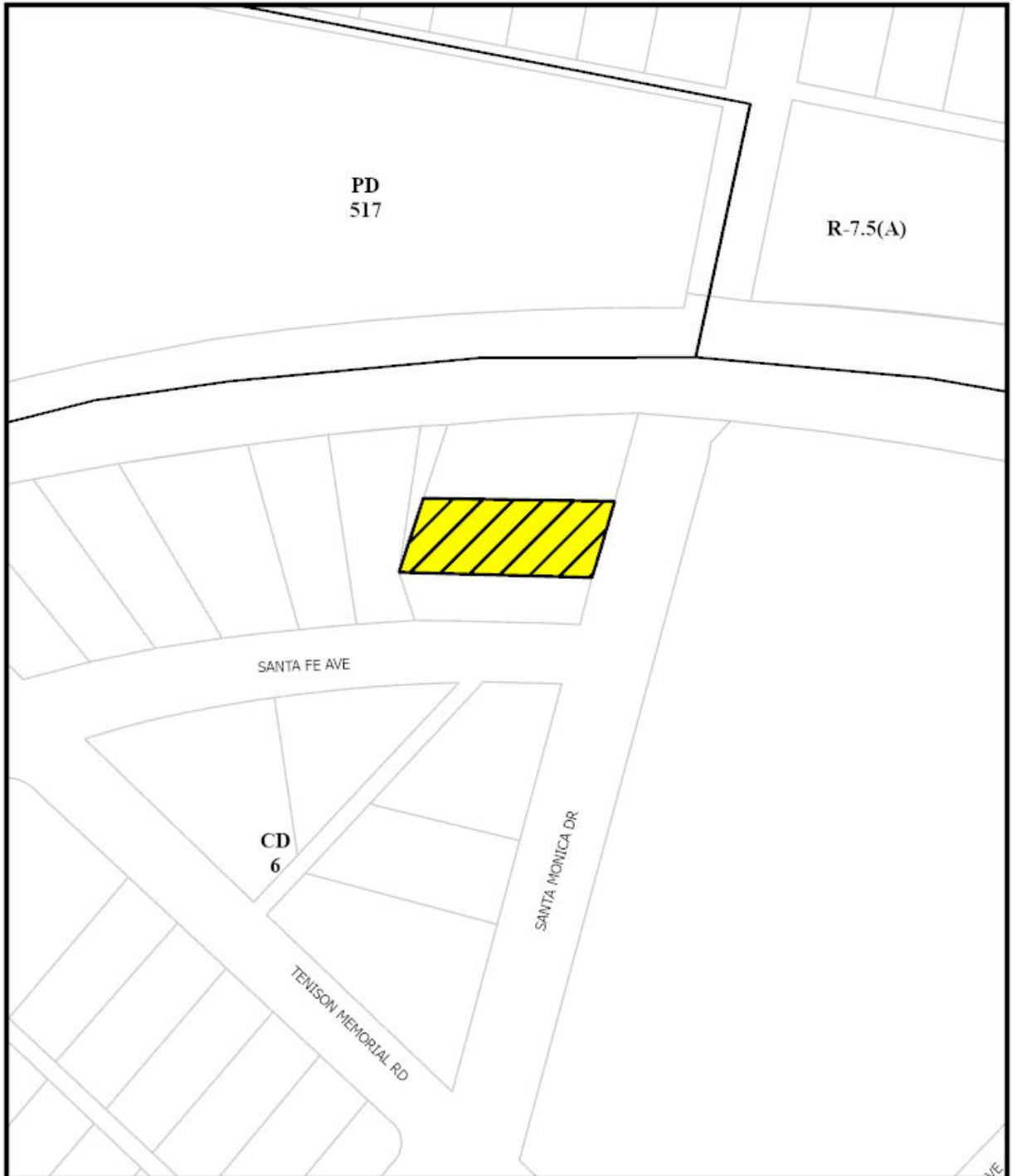


1:1,200

AERIAL MAP

Case no: **BOA-26-000061**

Date: **07/31/2026**



1:1,200

ZONING MAP

Case no: **BOA-26-000061**

Date: **07/31/2026**



1:7,500

Matched to Parcel09

CD 6 TRACT MAP

Contains 4 Tracts

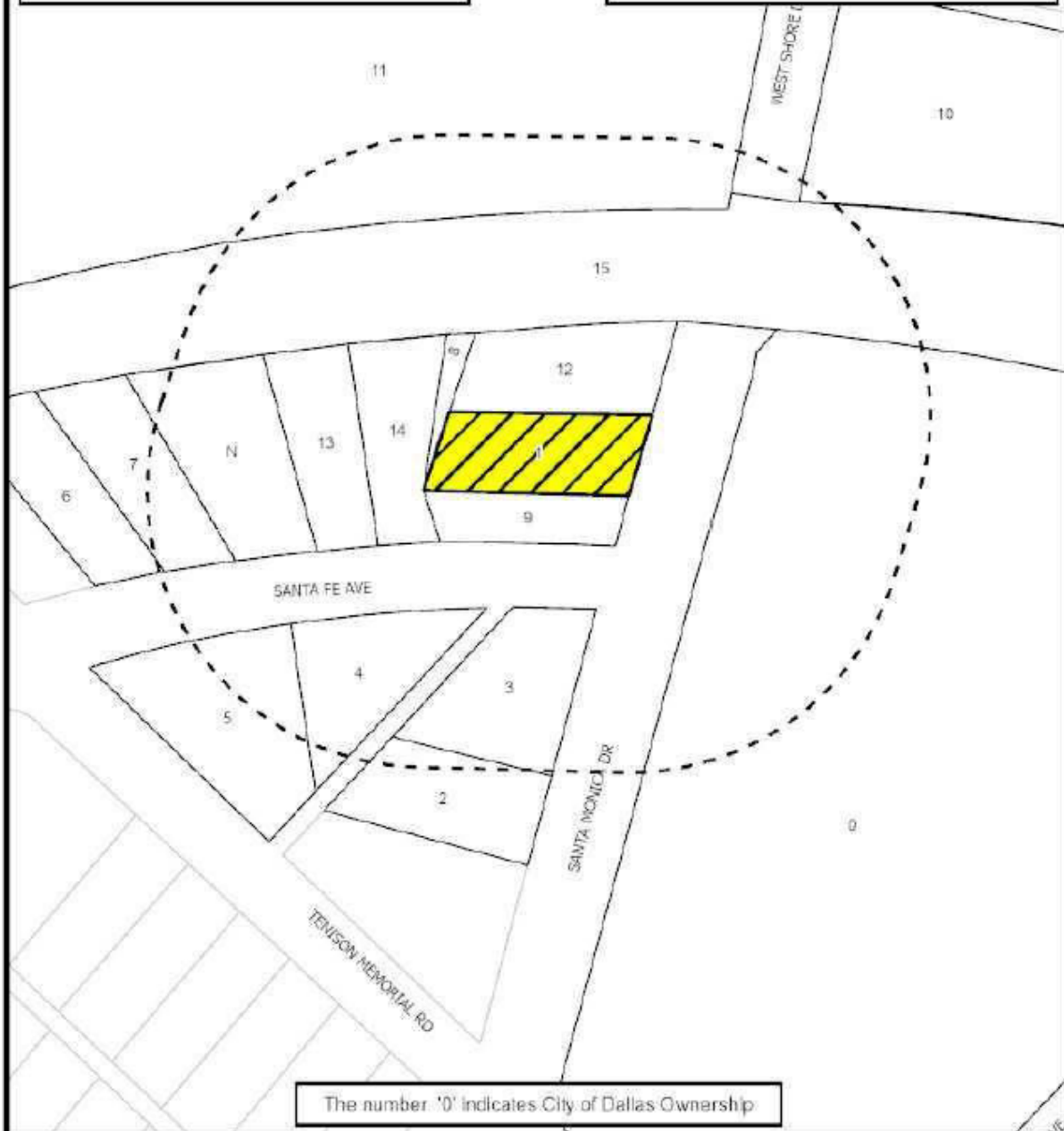
Tracts 1, 2, 2A, 2A Open Space

ORDS: 20438, 21608, 21779, 26884, 27030

PRINTED: 7/14/2010

The area of request is hatched. [Hatched Box] 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. [Hatched Box] 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.



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

15

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BOA-26-000061**

Date: **7/31/2026**

Notification List of Property Owners

BOA-26-000061

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7141 SANTA MONICA DR	BERRY CRAIG JOSEPH & MARY BETH
2	7117 SANTA MONICA DR	PILAWSKI ALEX J & BRIANNA M
3	7127 SANTA MONICA DR	BUCKNER CAROLYN L
4	7120 SANTA FE AVE	Taxpayer at
5	610 TENISON MEMORIAL RD	BROWN ARNOLD & MARJORIE
6	7107 SANTA FE AVE	ONEIL RACHEL KINGREY &
7	7111 SANTA FE AVE	7111 SANTA FE LLC
8	7125 SANTA FE AVE	SYPERT CALVIN L ESTATE
9	7129 SANTA MONICA DR	MOSBY KATHERINE
10	1810 WEST SHORE DR	ARMSTRONG LIVING TRUST
11	1803 WEST SHORE DR	LAKEWOOD COUNTRY CLUB
12	7145 SANTA MONICA DR	POWELL THOMAS A
13	7121 SANTA FE AVE	DANNEHL MARK
14	7123 SANTA FE AVE	MCBAY AUBREY V &
15	401 S BUCKNER BLVD	DART

Route Directions:

Start on Santa Monica Dr.

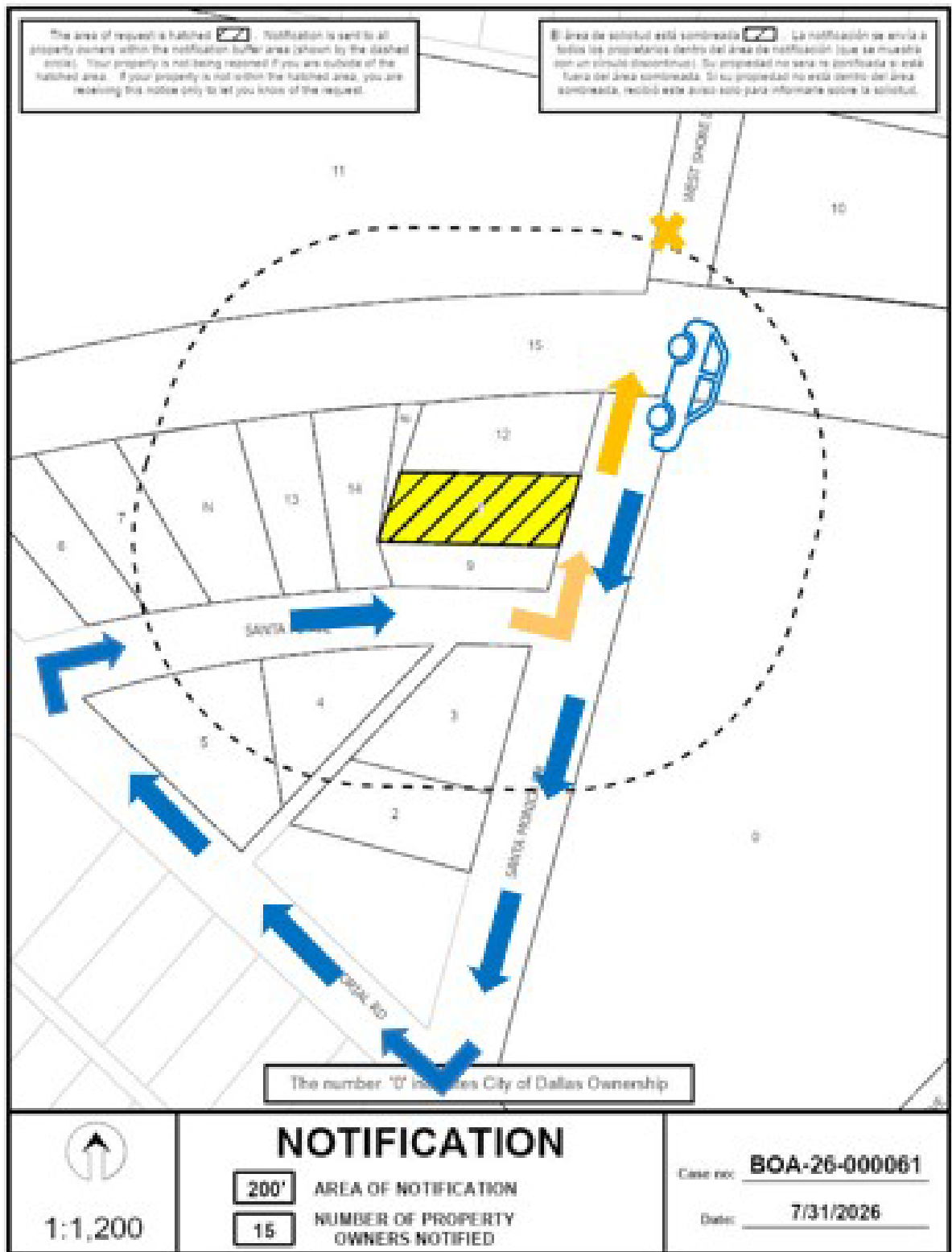
Right on Tension Memorial Rd.

Right on Santa Fe Dr.

Right on Santa Monica Dr.

***Subject Site at 1:51**

200' Radius Route Map



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 B) will hold a hearing as follows:

DATE: MONDAY, SEPTEMBER 14, 2026

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa091426>

HEARING: 1:00 p.m. Videoconference and in 6ES COUNCIL BRIEFING at Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa091426>

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

BOA-26-000061(KMH) Application of Craig Berry for (1) a variance to the front-yard setback regulations at 7141 SANTA MONICA DRIVE. This property is more fully described as Block 2708, Tract 10, and is zoned CD-6 (Tract 1), which requires a front-yard setback of 35-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 17-foot 10-inch front yard setback, which will require (1) a 17- foot 2-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 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, September 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 Bryant Thompson, Chief Planner at (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 & 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>