



# **GARLAND**

## **NOTICE OF MEETING**

### **CITY OF GARLAND, TEXAS**

**Board of Adjustment  
Public Meeting  
Council Chambers  
William E. Dollar Municipal Building  
200 N. Fifth Street  
Garland, Texas  
September 16, 2026  
6:30 PM**

A meeting of the Board of Adjustment of the City of Garland, Texas will be held at the aforementioned location, date, and time to discuss and consider the following agenda items.

**INVOCATION AND PLEDGE OF ALLEGIANCE:** It is the custom and tradition of the members of the Board of Adjustment to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the Board of Adjustment and will not affect the decisions to be made during the meeting.

**NOTICE:** The committee may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns attorney/client communication, including pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.

#### **AGENDA:**

##### **1. APPROVAL OF MINUTES**

- a. Consider approval of the Board of Adjustment Minutes for the August 19, 2026 meeting.**

##### **2. ITEMS FOR INDIVIDUAL CONSIDERATION**

- a. BOA 26-06 Nestor Leon. The applicant is requesting a variance to Section 2.34 (G) (1-2) of the Garland Development Code which requires each single-family detached home to have two (2) enclosed off-street parking spaces. The existing garage was converted into a living area and the applicant is requesting for the garage conversion to be left as is without being required to construct the required garage on the property addressed at 4105 Clemson Drive (District 6). This site is currently zoned Single-Family-7 (SF-7) District. This is a variance request to the GDC to waive the requirement to construct a 2-car parking garage. (District 6)**

##### **3. ADJOURN**

**NOTE:** A quorum of the City Council may be in attendance and may or may not participate in the discussions of the Board.



# GARLAND

## MINUTES

The Board of Adjustment of the City of Garland convened in regular session at 6:30 PM on August 19, 2026, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present: James VanDyke  
Vicki Jackson-High  
Bruce Bishop  
Margaret Bice  
Bruce Astin  
Joseph Willoughby  
John McDonald  
Subhi Gharbieh

Staff Present: Nabila Nur, Planning Director  
Emma Chetuya, Planning Administrator - Development  
Stewart Starry, Planner II  
Brynn Haby, Planner II  
Michelle Koustoubardis, Assistant City Attorney  
Elisa Morales, Recording Secretary

### 1. APPROVAL OF MINUTES

- a. Consider approval of the Board of Adjustment Minutes for the July 15, 2026 meeting.

**Motion** was made by Board Member Subhi Gharbieh to **approve** the Minutes as presented. Seconded by Board Member Bruce Bishop. **Motion carried: 8 Ayes, 0 Nays.**

### 2. ITEMS FOR INDIVIDUAL CONSIDERATION

- a. **BOA 26-05 Zaki Ferhan. The applicant is requesting a variance to Section 4.104(A) of the Garland Development Code (GDC), which restricts the height of a fence located within a property's front yard of a residential property. The property is located at 1450 Todd Ln and is currently zoned Single Family Estate (SF-E) District, allowing for Single Family uses. This is a variance request to the GDC to allow the existing fence to exceed the front yard height limit. (District 1)**

Planner II, Stewart Starry, presented the request to the Board and remained available for questions.

The applicant, Zaki Ferhan, 1450 Todd Lane, Garland, TX 75044, provided an overview of the request and remained available for questions.

**Motion** was made by Board Member Bruce Bishop to **approve** the application as presented. Seconded by Board Member Bruce Astin. **Motion carried: 8 Ayes, 0 Nays.**

### 3. ADJOURN

There being no further business to come before the Board of Adjustment, the meeting adjourned at 6:55 p.m.

**Submitted By:**

**/s/ John McDonald, Chair**  
**/s/ Elisa Morales, Secretary**

# **Board of Adjustment Report**

**File No: BOA 26-06/District 6**

**Agenda Item: 1**

**Meeting: Board of Adjustment**

**Date: September 16, 2026**



**GARLAND**

TEXAS MADE HERE

## **REQUEST**

Owner and applicant Nestor Leon. The applicant is requesting a variance to Section 2.34 (G) (1-2) of the Garland Development Code which requires each single-family detached home to have two (2) enclosed off-street parking spaces. The existing garage was converted into a living area and the applicant is requesting for the garage conversion to be left as is without being required to construct the required garage on the property addressed at 4105 Clemson Drive (District 6). This site is currently zoned Single-Family-7 (SF-7) District. This is a variance request to the GDC to waive the requirement to construct a 2-car parking garage.

## **OWNER**

Nestor Leon

## **BACKGROUND**

The Building Inspections Department was notified of a garage conversion and building addition without a permit. Given the lack of enclosed parking required by the GDC, Building Inspections issued a Notice to Comply on August 13, 2026. The applicant submitted a variance request to the Board of Adjustment for the garage conversion to be left as is without being required to convert the space back to a garage or construct a new garage.

## **BOARD OF ADJUSTMENT GUIDELINES**

Section 2.34 (G) (1-2) of the Garland Development Code requires that "residential automotive parking spaces must be located within an enclosed garage for all single-family detached, single-family attached, and two-family dwellings." Section 2.22(E)(6) of the GDC sets forth the authority of the Board of Adjustment to grant variances where "the literal enforcement of the provisions of this GDC would result in an unnecessary hardship, and were the variance is necessary to permit the use of a specific parcel of land which differs from other parcels of land in the same district by being of such a restricted area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standards established by this GDC may not be granted to relieve a self-created or personal hardship, or for mere financial hardship. Further, a variance may not be granted to permit a person a privilege in developing a parcel of land not permitted by this GDC, or not permitted on other parcels of land in the district. No variance may be granted if the granting of the variance will create an unnecessary hardship as herein defined on another parcel of property."

Under Local Government Code, Section 211.009(b)(1), "the board may consider financial cost of compliance as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship if 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, Tax Code". If an appeal involves an existing structure, the financial cost of compliance exceeding 50% of the structure's appraised tax value can be considered by the board as evidence of an unnecessary hardship.

## **FINDINGS**

2.34 (G) (1-2) of the Garland Development Code requires that "residential automotive parking spaces must be located within an enclosed garage for all single-family detached, single-family

attached, and two-family dwellings. The 290 square foot garage was converted into a living area without obtaining a building permit from the City of Garland Building Inspections Department. The GDC requires off-street parking to reduce street congestion, improve traffic flow and circulation, increase safety, and facilitate the appropriate use of land, especially in areas with high traffic volume.

It is up to the Board of Adjustment to determine if a hardship exists.

**CONSIDERATIONS**

1. MOTION TO GRANT VARIANCE: Motion that the Board of Adjustment grant a variance to Section 2.34 (G) (1-2) to not require an enclosed garage because the facts and evidence presented at the public hearing indicated that a literal enforcement of the Ordinance will result in an unnecessary hardship for the applicant; and that the granting of the variance will not create an unnecessary hardship on any other parcel of property.
2. MOTION TO DENY VARIANCE: Motion that the Board of Adjustment deny the variance because based on the facts and evidence presented at the public hearing there is no evidence that a hardship exists that warrant the requested variance: and that literal enforcement of the Ordinance will result in an unnecessary hardship for the applicant.

**ADDITIONAL INFORMATION**

- i. Site Photos
- ii. Survey
- iii. Floorplan
- iv. Written Request
- v. Notification Map

**PREPARED BY:**

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# BOA 26-06



View from the street, facing North



209 LAKEHURST DRIVE  
WYLIE, TX 75098  
PHONE: 214-478-7879

#### LEGEND

|                           |                                |
|---------------------------|--------------------------------|
| GR. / EL                  | WOOD FENCE                     |
| BRICK                     | CHAIN LINK FENCE               |
| ASPHALT                   | WROUGHT IRON FENCE             |
| WOOD                      | WIRE FENCE                     |
| STONE                     | R.R. TIE RETAINING WALL        |
| CONCRETE                  | BRICK WALL                     |
| COVERED AREA              | STONE WALL                     |
| CM = CONTROLLING MONUMENT | OVERHEAD TELEPHONE LINE        |
|                           | OVERHEAD ELECTRIC LINE         |
|                           | IRF = IRON ROD FOUND           |
|                           | IRS = IRON ROD SET             |
|                           | FD = FOUND MON. (AS DESCRIBED) |
|                           | MFPC = METAL FENCE POST COR    |
|                           | WFPC = WOOD FENCE POST COR     |



1" = 20.0'

**RICE DRIVE**  
(50' ROW)

**CLEMSON DRIVE**  
(50' ROW)

LOT 2

LOT 3  
BLOCK 10

LOT 4

**GARLAND**  
STORMWATER MANAGEMENT

property.

Reunion Title PURCHASER: Nestor V Leon

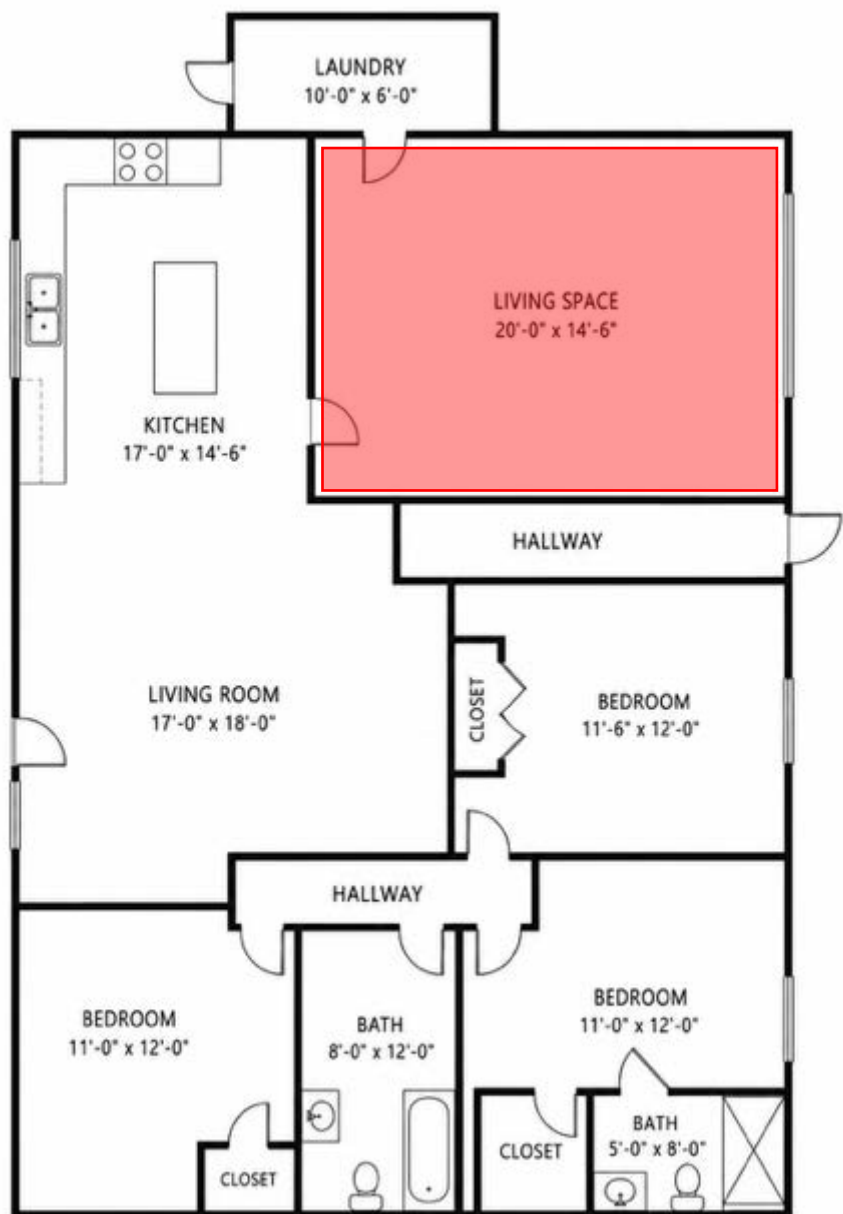
GF NO. 200818185-RU

h Section, an Addition to the City of Garland, Dallas  
Volume 49, Page 57, of the Map Records of Dallas

on the ground, under my supervision, that the survey  
and type of improvements, there are no visible and  
erty does not appear to lie within the limits of a 100-year  
federal emergency management agency, and has a zone  
gust 23, 2001. This survey is not to be used for  
hereon named purchaser, mortgage company, and title  
ommitment under the GF NO. shown hereon, provided by  
asements, rights of way, or other locatable matters of  
divided are as shown or noted hereon.



REGISTERED PROFESSIONAL LAND SURVEYOR  
FIELD SURVEY DATE: 09/20/12



**To Whom It May Concern:**

I am writing to respectfully request consideration regarding the existing garage conversion at my home and to explain the hardship that would result if I were required to convert the space back into a garage.

First, I am currently not in a financial position to take on the significant expense of converting the space back to its original garage configuration. The cost of demolition, construction, materials, labor, permitting, and any other work necessary to restore the garage would create a substantial financial hardship for me.

I would also like to explain that the garage was already converted when I purchased the home in **2009**. I did not perform or authorize the original conversion. I purchased this property when I was only **24 years old**, and it was my first home. At that age, I had very little knowledge or experience regarding real estate transactions, seller disclosures, permits, inspections, or how to verify whether modifications to a property had been properly approved.

I understand that my age and lack of knowledge at the time do not excuse any requirements that may apply to the property today. However, I hope these circumstances can be taken into consideration. At the time, I was simply excited and proud to be purchasing my first home and relied on the professionals involved in the transaction to identify any significant concerns with the property.

Additionally, when I obtained financing for the home in 2009, I was never informed by the lender, appraiser, or anyone else involved in the purchase that there was an issue with the garage conversion. Nothing was brought to my attention that caused me to believe the existing space was improper or would later need to be converted back into a garage.

For approximately **17 years**, I have owned the home with the garage in substantially the condition in which I originally purchased it. I did not knowingly purchase the property intending to maintain an unauthorized conversion, nor did I knowingly make an unapproved garage conversion myself.

I respectfully ask that you consider the history of the property, the fact that the conversion existed before my ownership, my lack of knowledge of the issue when I purchased my first home, the length of time that has passed, and the significant financial hardship that restoring the garage would place on me.

If there is an alternative that would allow the existing space to remain, including bringing it into compliance with applicable requirements rather than requiring a complete conversion back to a garage, I respectfully ask that I be given the opportunity to pursue that option.

Thank you for taking the time to review my circumstances and consider my request. I sincerely hope that a reasonable solution can be reached that allows the existing garage conversion to remain while addressing any necessary compliance requirements.

**Respectfully,**

Nestor Leon

P- 214-283-7545

