

**NOTICE FOR POSTING**  
**MEETING OF**  
**BOARD OF ADJUSTMENT, PANEL C**  
**MONDAY, NOVEMBER 16, 2020**

<b>Briefing*:</b>	<b>11:00 A.M.</b>	<b>Video Conference</b>
<b>Public Hearing*:</b>	<b>1:00 P.M.</b>	<b>Video Conference</b>

**\*The Board of Adjustment hearing will be held by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Friday, November 13, 2020. Only registered speakers will be allowed to address the Board during the public hearing.** The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=ed1f278853eea3d6acd810c7ab78d4467) or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall) and the WebEx link:

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=ed1f278853eea3d6acd810c7ab78d4467>

**Purpose:** To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

**Handgun Prohibition Notice for Meetings of Governmental Entities**

*"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."*

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

*"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."*

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*



**CITY OF DALLAS**  
**BOARD OF ADJUSTMENT, PANEL C**  
**MONDAY, NOVEMBER 16, 2020**  
**AGENDA**

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BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Jennifer Muñoz, Chief Planner/Board Administrator**  
**Oscar Aguilera, Senior Planner**  
**LaTonia Jackson, Board Secretary**

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**PUBLIC TESTIMONY**

Minutes

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**MISCELLANEOUS ITEM**

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Approval of the October 19, 2020 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA190-111(OA)</b>	10611 New Church Rd. <b>REQUEST:</b> Application of Theodore Kerico represented by Ronnie Hebel for a special exception to the landscaping regulations.	1
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**REGULAR CASES**

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**BDA190-112(OA)**

6804 Lorna Ave.

2

**REQUEST:** Application of James Jeanes, represented by Jeff Baron, for a variance to the front yard setback regulations.

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**HOLDOVERS**

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None

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## EXECUTIVE SESSION NOTICE

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A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA190-111(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Theodore Kerico represented by Ronnie Hebel for a special exception to the landscaping regulations at 10611 New Church Rd. This property is more fully described as Lot 3-A, Block N/8092, and is zoned a CS Commercial Service District, which requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 10611 New Church Rd.

**APPLICANT:** Theodore Kerico  
represented by Ronnie Hebel

**REQUEST:**

A request for a special exception to the landscape regulations is made to remodel an existing building and to construct/maintain two additional buildings to support a truck sales and service use and not fully meet the landscape regulations. The applicant seeks to reduce the required landscape provisions for this site.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:**

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property.
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the board shall consider the following factors:

- the extent to which there is residential adjacency.
- the topography of the site.
- the extent to which landscaping exists for which no credit is given under this article.

- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The chief arborist recommends approval of the submitted alternate landscape plan for a landscape on an established use with minimal available space to provide new landscape improvements. Full compliance with the landscape requirements of Article X would be an unreasonable burden on the current operation and use of the property, and the special exception would have no negative impacts on surrounding uses.

**BACKGROUND INFORMATION:**

**Zoning**

- Site: CS (Commercial Service District)
- North: CS (Commercial Service District) & CR (Community Retail District)
- East: CS (Commercial Service District)
- South: CR (Community Retail District) & R-7.5 (Single Family District)
- West: CR (Community Retail District)

**Land Use:**

The subject site is developed with truck sales and service use. The area to the north is developed with public right-of-way (LBJ Expressway). The areas to the east and west are developed with retail/commercial uses. The area to the south is developed with residential uses.

**Zoning/BDA History:**

There have not been any recent board or zoning cases in the vicinity within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

A request for a special exception to the landscape regulations is made to remodel an existing building and to construct/maintain two additional buildings to support a truck

sales and service use and not fully meet the landscape regulations. The applicant seeks to reduce the required landscape provisions for this site.

The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. In this case, the existing structure will be remodeled and two additional structures will be erected. This new construction triggers compliance with landscape regulations.

The City of Dallas chief arborist submitted a memo regarding the applicant's request (Attachment A).

The chief arborist's memo states the following with regard to "request":

The applicant is seeking a special exception to the landscaping requirements of Article X. New floor area expansion on the property requires compliance with new landscaping per code on a site with current use and commercial activities. The applicant seeks a reduced landscape provision to allow for the continued use of their work areas.

The chief arborist's memo states the following with regard to "provision":

The proposed landscape plan provides for two new trees (one in the street buffer zone) and existing plant materials along the front of the existing main structure. Most of the property is paved and utilized for business activities and vehicle maneuvering.

The chief arborist's memo states the following with regard to "deficiencies":

The proposed landscape plan and site plan does not provide for the street buffer zone requirements for neither New Church Road nor the LBJ Freeway frontages. No Article X designated mandatory provisions or design options are stated on the plan.

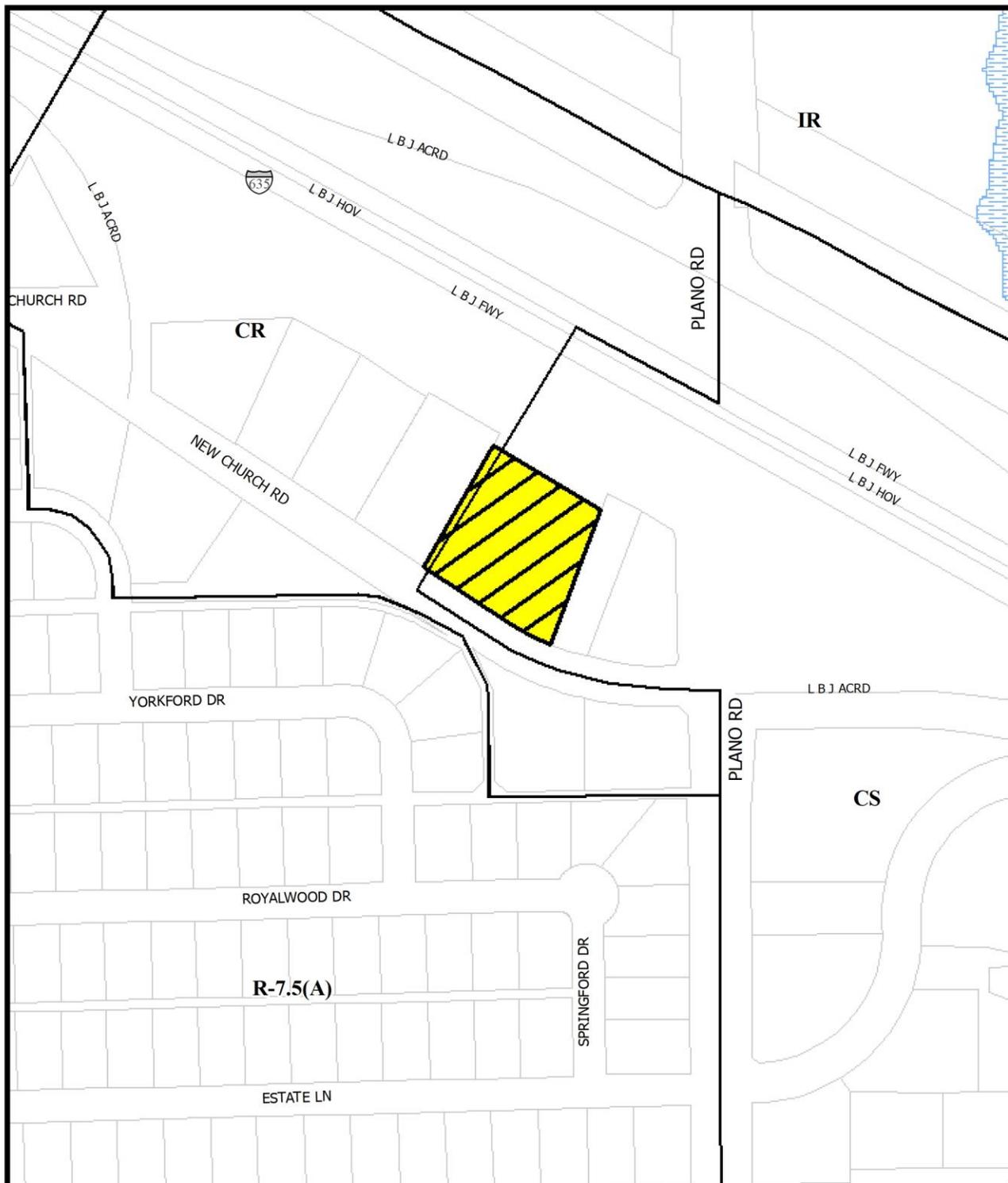
The chief arborist's revised memo states the following with regard to the "recommendation":

The chief arborist recommends approval of the submitted alternate landscape plan for a landscape on an established use with minimal available space to provide new landscape improvements. Full compliance with the landscape requirements of Article X would be an unreasonable burden on the current operation and use of the property, and the special exception would have no negative impacts on surrounding uses.

If the board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided an exception from the required landscape provisions.

## **Timeline:**

- September 29, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 16, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- October 16, 2020: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 27, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the November 6, 2020 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.
- October 29, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.
- October 30, 2020: The City of Dallas Chief Arborist submitted a memo regarding this request (Attachment A).

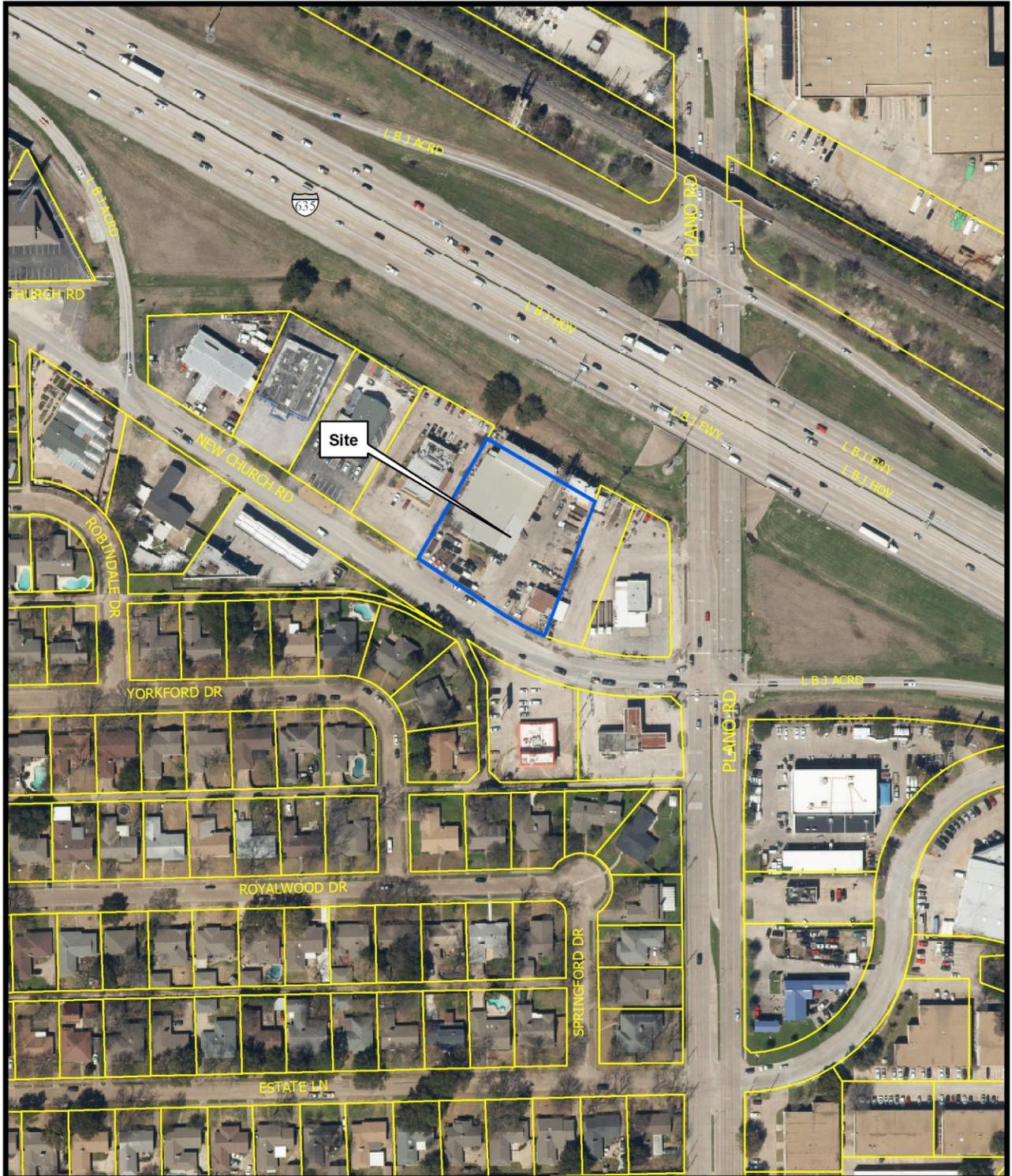


1:2,400

# ZONING MAP

Case no: BDA190-111

Date: 11/3/2020



1:2,400

# AERIAL MAP

Case no: BDA190-111

Date: 11/3/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-111

Data Relative to Subject Property:

Date: 9/29/2020

Location address: 10611 New Church Rd. Dallas TX 75238 Zoning District: \_\_\_\_\_

Lot No.: 3-A Block No.: N/8092 Acreage: 1.04 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 229'-0" Ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Theodore & Ruth Kerico

Applicant: Ted Kerico Telephone: 214-244-9079

Mailing Address: 10611 New Church Rd Dallas TX Zip Code: 75238

E-mail Address: ruthjkerico@aol.com

Represented by: Ronnie "Cash" Hebel Telephone: 214-620-4360

Mailing Address: 2025 Lakepointe Dr # 16B Lewisville TX Zip Code: 75057

E-mail Address: chebel@d3rings.com

Affirm that an appeal has been made for a Variance , or Special Exception , of \_\_\_\_\_

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

Landscape requirements to provide an alternate landscape plan for the subject property

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Theodore Kerico  
(Affiant/Applicant's name printed)

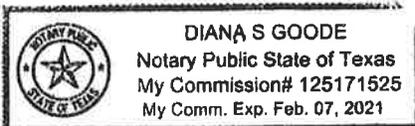
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Ted Kerico  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 29 day of September, 2020

(Rev. 08-01-11)

Diana S Goode  
Notary Public in and for Dallas County, Texas



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Theodore Kerico  
represented by Ronnie Hebel  
did submit a request for a special exception to the landscaping regulations  
at 10611 New Church Road

BDA190-111. Application of Theodore Kerico represented by Ronnie Hebel for a special exception to the landscaping regulations at 10611 New Church Rd. This property is more fully described as Lot 3-A, Block N/8092, and is zoned CS, which requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

*David Session*  
David Session, Building Official





AFFIDAVIT

Appeal number: BDA 190-111

I, Ruth Kerico, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10611 New Church Road Dallas TX 75238  
(Address of property as stated on application)

Authorize: Theodore Kerico  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Removal of all trees from landscaping plan along New Church Road, outside of property  
line as revised by city building codes

Ruth Kerico  
Print name of property owner or registered agent

Ruth Kerico  
Signature of property owner or registered agent

Date 9/29/20

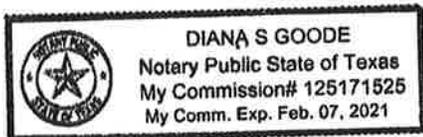
Before me, the undersigned, on this day personally appeared Ruth Kerico

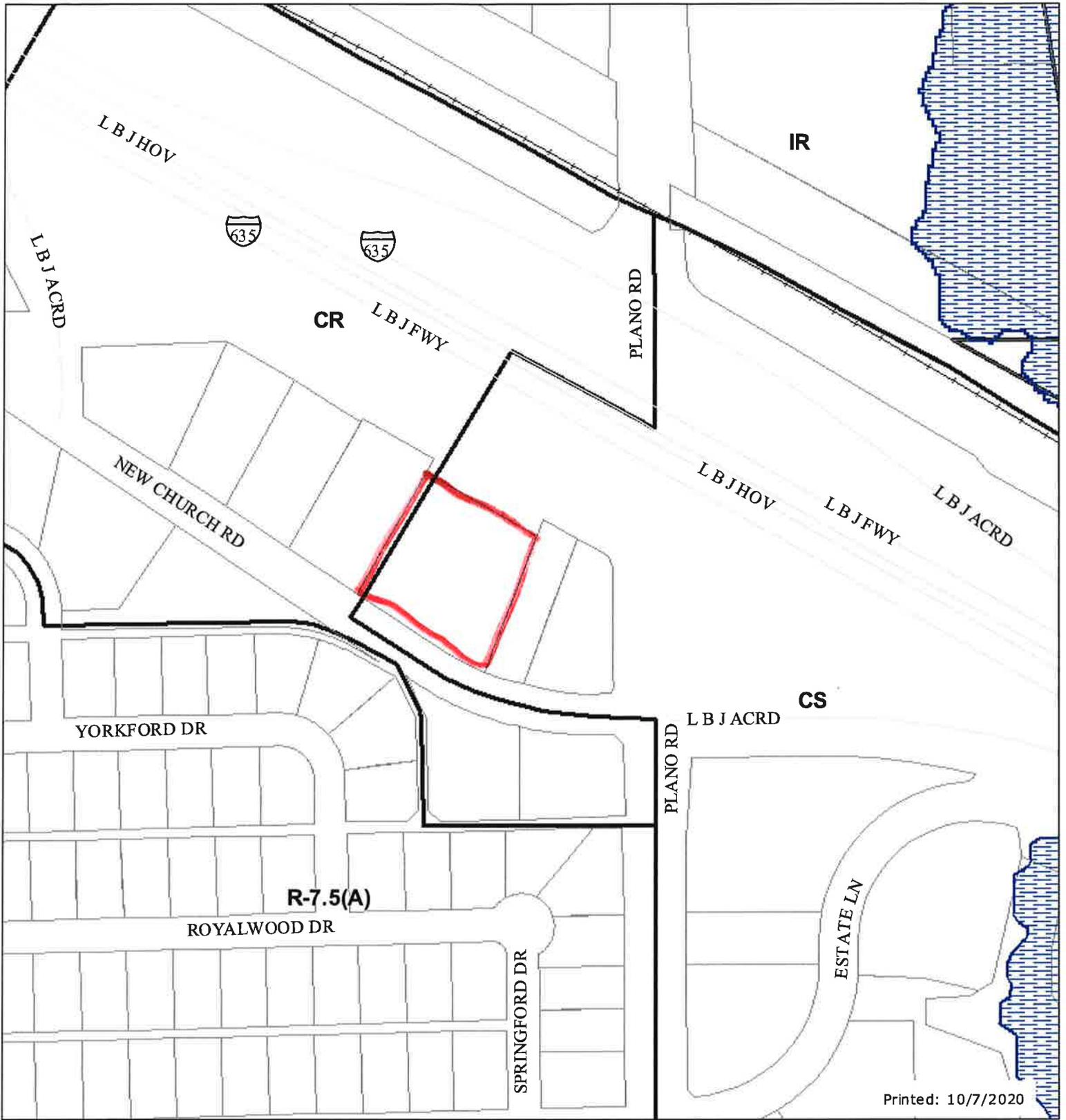
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 29 day of September, 2020

Diana S. Goode  
Notary Public for Dallas County, Texas

Commission expires on 2/7/21





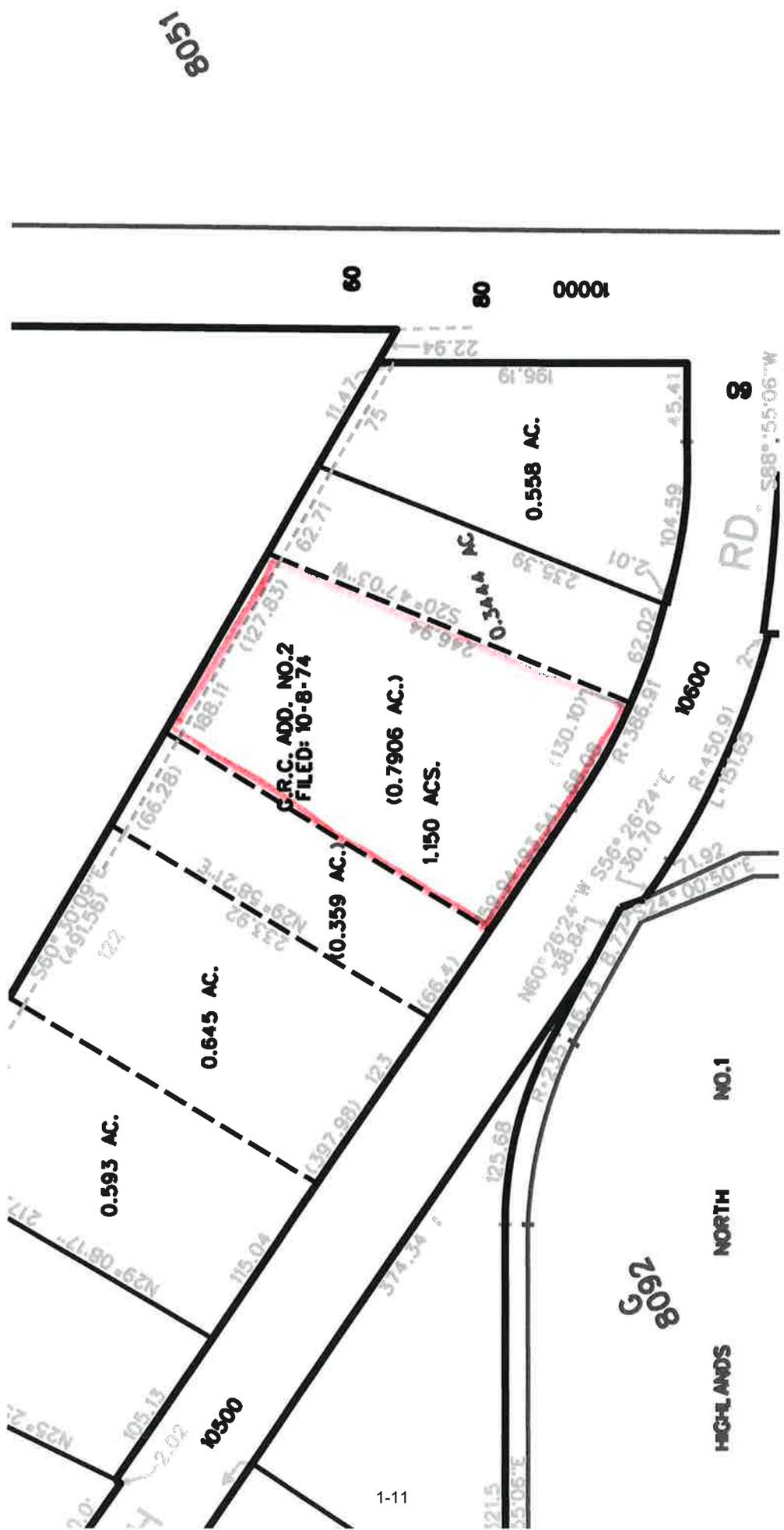
Printed: 10/7/2020

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | SPSD Overlay                   | Historic Subdistricts | Parking Management Overlay |
| Parks                | Deed Restrictions              | Historic Overlay      | Shop Front Overlay         |
|                      | SUP                            | Height Map Overlay    | 1-10                       |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)





Attachment A  
BDA190-111

**Memorandum**



Date October 30, 2020  
To Oscar Aguilera, Sr. Planner  
Jennifer Munoz, Board Administrator  
Subject BDA #190-111 10611 New Church Arborist report

**Request**

The applicant is seeking a special exception to the landscaping requirements of Article X. New floor area expansion on the property requires the compliance with new landscaping per code onto a site with current use and commercial activities. The applicant seeks a reduced landscape provision to allow for the continued use of their work areas.

**Provision**

The proposed landscape plan provides for two new trees (one in the street buffer zone) and existing plant materials along the front of the existing main structure. Most of the property is paved and utilized for business activities and vehicle maneuvering.

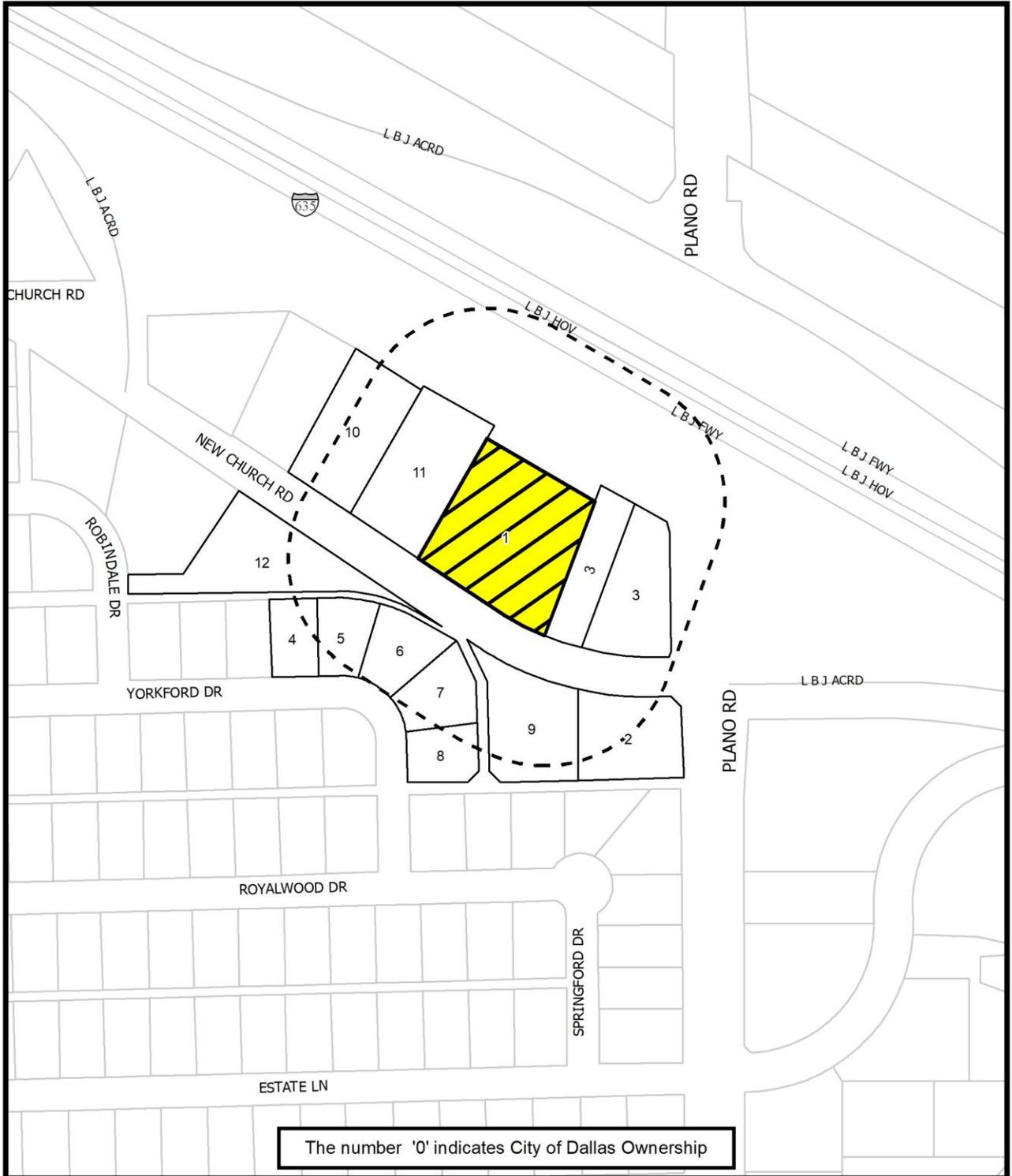
**Deficiency**

The proposed landscape plan and site plan does not provide for the street buffer zone requirements for neither New Church Road or the LBJ Freeway frontages. No Article X designated mandatory provisions or design options are stated on the plan.

**Recommendation**

The chief arborist recommends approval of the submitted alternate landscape plan for a landscape on an established use with minimal available space to provide new landscape improvements. Full compliance with the landscape requirements of Article X would be an unreasonable burden on the current operation and use of the property, and the special exception would have no negative impacts on surrounding uses.

Philip Erwin  
Chief Arborist  
Building Inspection



The number '0' indicates City of Dallas Ownership

  
 1:2,400

## NOTIFICATION

200' AREA OF NOTIFICATION  
12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no:     BDA190-111      
 Date:     11/3/2020

11/03/2020

## ***Notification List of Property Owners***

### ***BDA190-111***

#### ***12 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10611 NEW CHURCH RD	KERICO THEODORE &
2	10650 NEW CHURCH RD	EASON KENNETH D &
3	10025 PLANO RD	NEELY LIVING TRUST THE
4	10519 YORKFORD DR	JOSE F PALMA
5	10525 YORKFORD DR	WHISENHUNT TOBY &
6	10529 YORKFORD DR	MIHALOPOULOS HOLDINGS LLC
7	10533 YORKFORD DR	COOK ANDREA
8	10539 YORKFORD DR	TANAUDOMMONGKON JIRASAK &
9	10630 NEW CHURCH RD	LEE KUEI LAN
10	10561 NEW CHURCH RD	K & C INVESTMENTS
11	10601 NEW CHURCH RD	LEE LIN FONG
12	10560 NEW CHURCH RD	DALLAS TRADERS ZONE LLC

**FILE NUMBER:** BDA190-112OA)

**BUILDING OFFICIAL'S REPORT:** Application of James Jeanes, represented by Jeff Baron, for a variance to the front yard setback regulations at 6804 Lorna Lane. This property is more fully described as Part of Lot A-1, Block A/2805, and is zoned an R-10(A) Single Family District, which requires a front yard setback of 30 feet. The applicant proposes to construct a single family residential structure and provide a 25-foot front yard setback, which will require a five-foot variance to the front yard setback regulations to the front yard regulations.

**LOCATION:** 6804 Lorna Lane

**APPLICANT:** James Jeanes, represented by Jeff Baron

**REQUESTS:**

A request for a variance to the front yard setback regulations of five feet has been made to demolish an existing structure and to construct and maintain a two-story single family structure with approximately 4,500 square feet of floor area, part of which is to be located 25 feet from one of the site's two front property lines on Lorna Lane or five feet into the 30-foot front yard setback on a site developed with a single family structure.

**STANDARD FOR A VARIANCE:**

Section 51(A)-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.

**STAFF RECOMMENDATION:**

Denial.

Rationale:

Staff concluded that while the site is encumbered with two front yard setback requirements, the applicant had not substantiated how the variance is necessary to permit development of the subject site or how the property 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 within the same R-10(A) Single Family District.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-10(A) (Single family district)
- North: R-10(A) (Single family district)
- South: R-10(A) (Single family district)
- East: Conservation District No. 2
- West: R-10(A) (Single family district)

**Land Use:**

The subject site and surrounding properties are developed with single family uses.

**Zoning/BDA History:**

There have not been any board or zoning cases in the vicinity within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

This request for a variance to the front yard setback requirement of five feet focuses on demolishing, constructing, and maintaining a two-story single family structure with approximately 4,500 square feet of floor area part of which is to be located 25 feet from one of the site's two front property lines on Lorna Lane or five feet into the 30-foot front yard setback on a site developed with a single family structure.

The subject site is zoned an R-10(A) Single Family District which requires a minimum front yard setback of 30 feet. The property is located at the southeast corner of Lorna Lane and Brendenwood Drive. Regardless of how the structure is proposed to be oriented to front Lorna Lane, the lot has a 30-foot front yard setback along both street frontages to maintain the continuity of the established front yard setback established by the lots to the south that front and are oriented towards Lorna Lane. There is no continuity of the established front yard setback established by the lots on Brendenwood

Drive. However, staff determined that Brendenwood Drive is a front yard since this property has two frontages of unequal distance and Brendenwood Drive is the shorter frontage.

The submitted site plan indicates the proposed structure is to be located 25 from the front property line along Lorna Lane or 5 feet into this 30-foot front yard setback.

The subject site is flat, rectangular in shape, and according to the application, it is 0.24 acres (or approximately 10,500 square feet) in area. In an R-10(A) District, the minimum lot size is 10,000 square feet.

The applicant has the burden of proof in establishing the following:

- 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.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- 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 this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10(A) zoning classification.

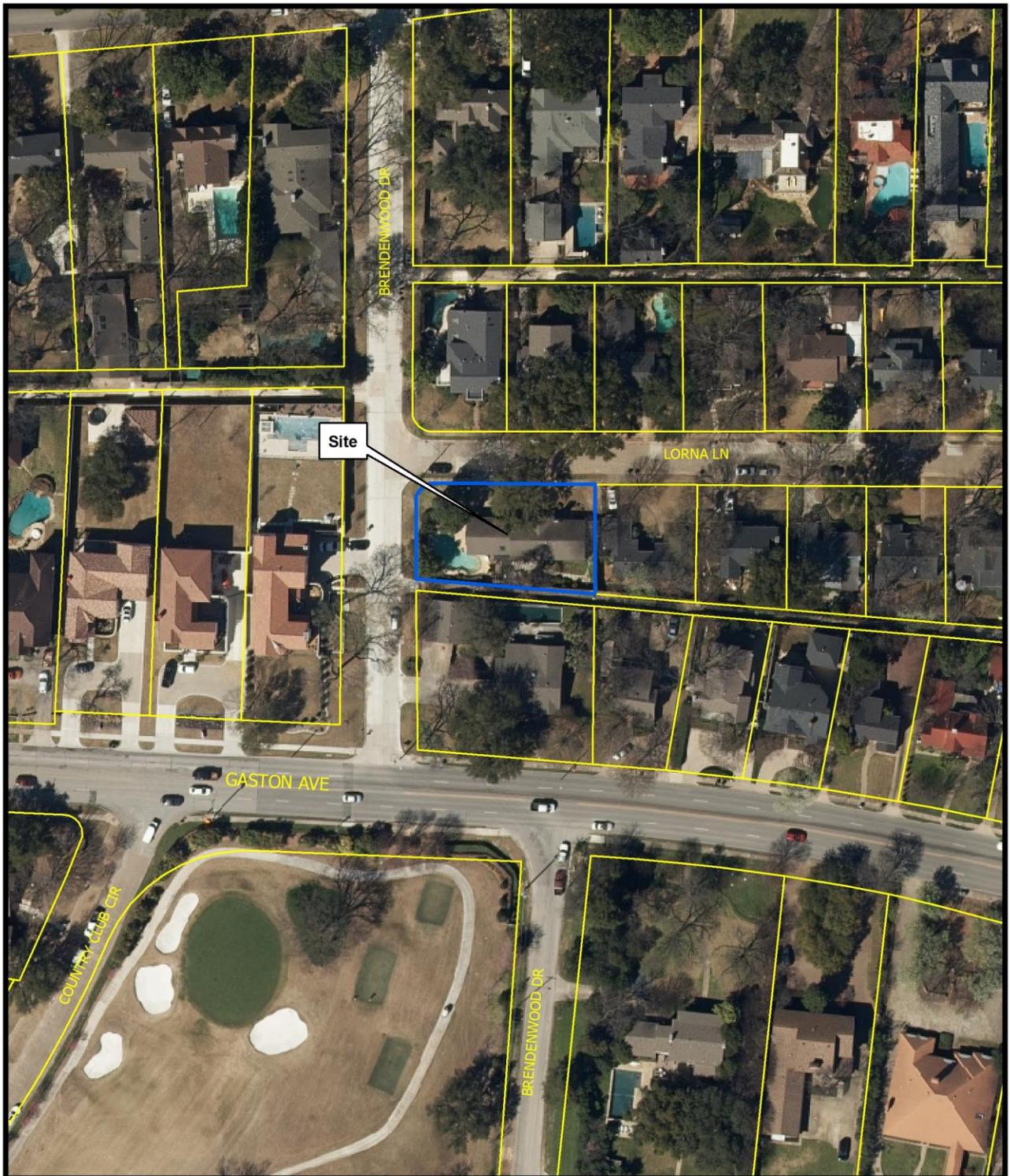
If the board were to grant the variance request and impose the submitted site plan as a condition, the single-family structure in the front yard setback would be limited to what is shown on this document– which in this case is a two-story single family structure with approximately 4,500 square feet of floor area part of which is to be located 25 feet from one of the site’s two front property lines on Lorna Lane or five feet into the 30-foot front yard setback.

**Timeline:**

- October 1, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- October 16, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel C.
- October 16, 2020: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 27, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the November 6, 2020 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.

October 29, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.



1:1,200

# AERIAL MAP

Case no: BDA190-112

Date: 11/3/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-112

Date: 9/24/2020 10-1-20

Data Relative to Subject Property:

Location address: 6804 Lorna Ln. Dallas, Tx 75214 Zoning District: R-10

Lot No.: N Pt Lt A1 Block No.: A/2805 Acreage: .24 Census Tract: 1

Street Frontage (in Feet): 1) 75 2) 155 3) 82.69 4) 135.73 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James Jeanes

Applicant: James Jeanes Telephone: 817-307-4356

Mailing Address: 2301 Brendenwood Dr Zip Code: 75214

E-mail Address: jeff@jeffbaronhomes.com

Represented by: Jeff Baron Telephone: 817-307-4356

Mailing Address: 2301 Brendenwood Dr Zip Code: 75214

E-mail Address: jeff@jeffbaronhomes.com

Affirm that an appeal has been made for a Variance X, or Special Exception , of a 5' encroachment to the 30' front yard along lorna and provide a 25' setback along Lorna Ln.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
Undue hardship created by the restrictive size and shape of the lot preventing development of the property commensurate with other development in the same zoning. Maintain Facade alignment along Lorna Lane.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared James Jeanes  
(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.



Respectfully submitted: James Jeanes  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of September, 2020

Leigh Hahn  
Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

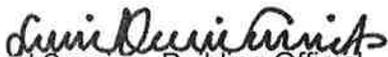
Chairman

**Building Official's Report**

I hereby certify that James Jeanes  
represented by Jeff Baron  
did submit a request for a variance to the front yard setback regulations  
at 6804 Lorna Avenue

BDA190-112. Application of James Jeanes represented by Jeff Baron for a variance to the front yard setback regulations at 6804 LORNA LN. This property is more fully described as Part of Lot A-1, Block A/2805, and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 25 foot front yard setback, which will require a 5 foot variance to the front yard setback regulations.

Sincerely,

  
David Session, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-112

I, James Jeanes, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6804 Lorna Ln Dallas, Tx 75214  
(Address of property as stated on application)

Authorize: Jeff Baron  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: a 5' Encroachment to the 30' front yard along Lorna Lane providing a 25' setback along Lorna Lane

James Jeanes  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 9-26-2020

Before me, the undersigned, on this day personally appeared \_\_\_\_\_

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 26 day of September, 2020



[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 1/27/23

Lot size study  
6804 Lorna Lane

	Lot Area	Area outside of Front Setback	% of total
6804 Lorna	10530	4725	45%
6815 Gaston	8069	5850	72%
6819 Gaston	7335	5400	74%
6823 Gaston	7366	5520	75%
6827 Gaston	7828	5795	74%
6835 Gaston	9214	7159	78%
6839 Gaston	8931	5871	66%
6814 Lorna	6800	5070	75%
6818 Lorna	6496	4692	72%
6826 Lorna	5981	4575	76%
6830 Lorna	6275	4800	76%
6834 Lorna	6162	4756	77%
6840 Lorna	6386	4131	65%
Average	7237	5302	73%
6804 Lorna	10530	4725	45%

Summary: The subject property lot size is 3294 sq. ft larger than surrounding properties while the buildable area is 533 sq. ft. or 11 % less than the buildable area of adjacent properties in the same zoning district. The buildable area as a percentage of the total lot area is 45% vs. the other lots are able to build on 73% of their property. These facts show that the property has an undue hardship created from the irregular size and shape of the lot.



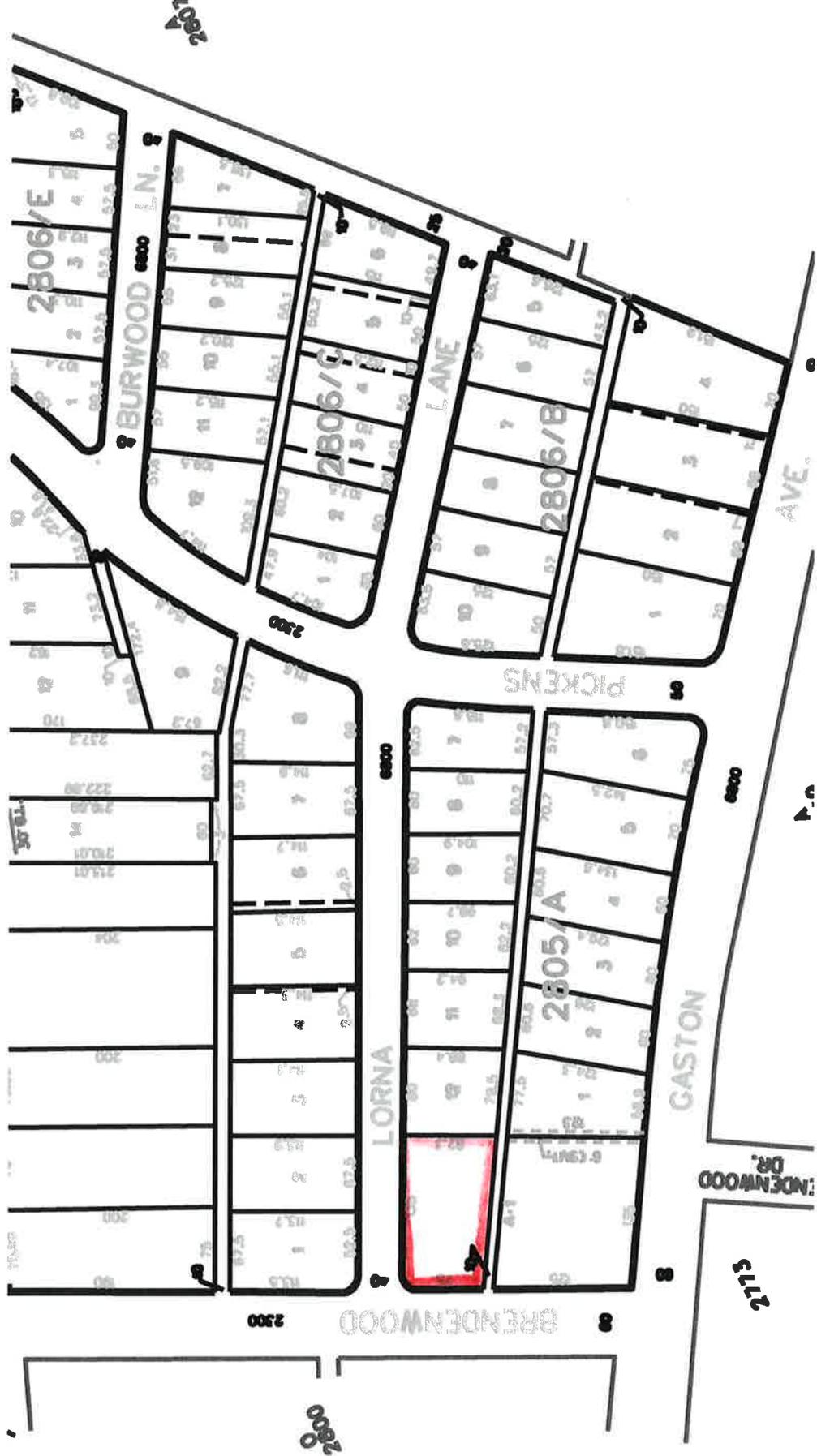
Printed: 10/7/2020

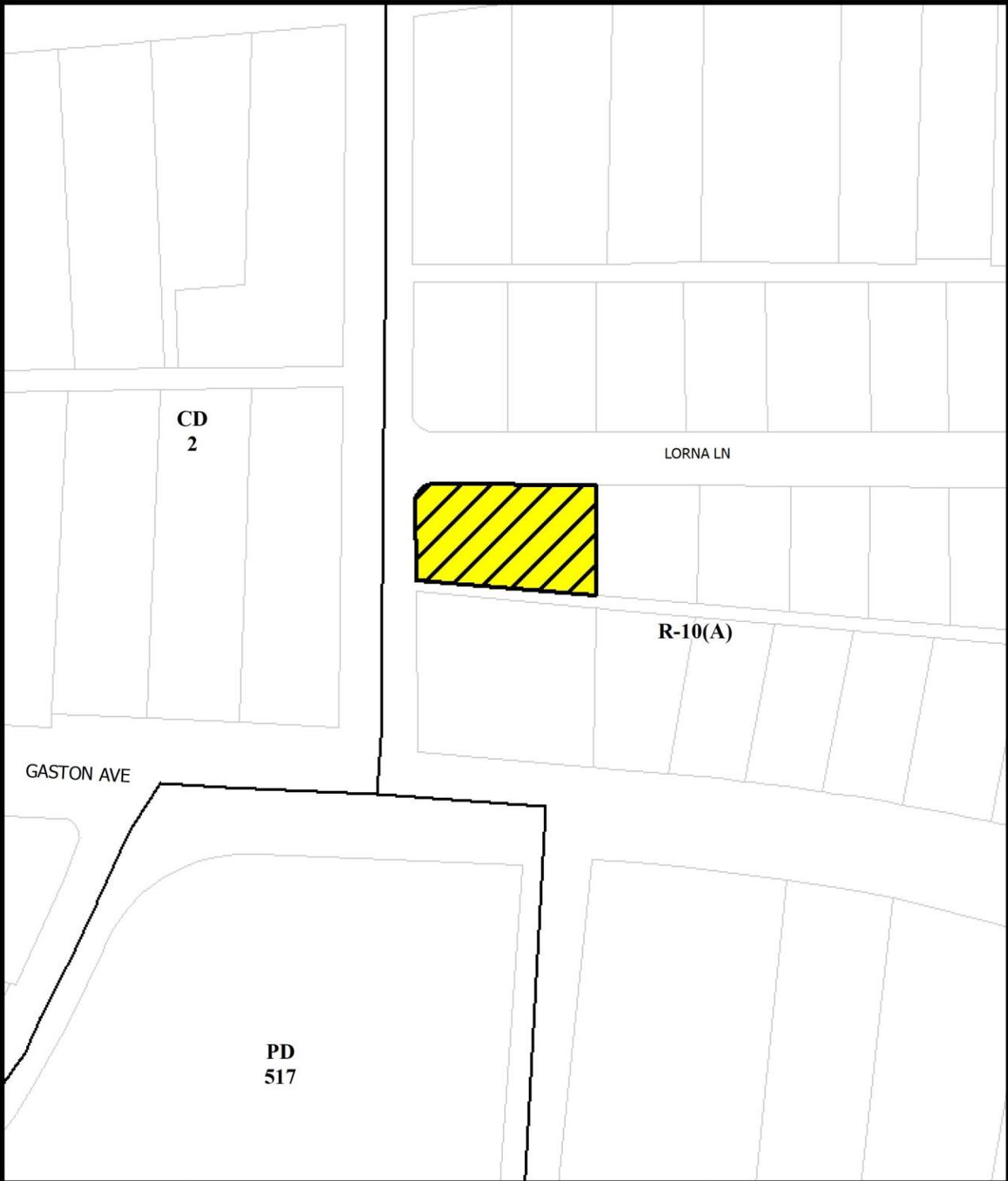
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | <b>Dry Overlay</b>    | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay 2-10    |
|                      |                                | Height Map Overlay    |                            |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)







1:1,200

# ZONING MAP

Case no: BDA190-112

Date: 11/3/2020



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**22**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-112**

Date: **11/3/2020**

11/03/2020

## ***Notification List of Property Owners***

### ***BDA190-112***

#### ***22 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6804 LORNA LN	JEANES JAMES LEE
2	6758 AVALON AVE	COURTWRIGHT JEFFRY T &
3	6757 GASTON AVE	GUAJARDO DONNA
4	6751 GASTON AVE	KLEIN ERIC & CLAIRE
5	2301 BRENDENWOOD DR	BARON JEFFREY R & ELIZABETH A
6	6820 AVALON AVE	BARBER ELIZABETH A &
7	6808 AVALON AVE	BARTON MICHAEL
8	6814 AVALON AVE	FITZSIMMONS A GERALDINE REV TRUST
9	6802 AVALON AVE	CERVIN MARGARET EUGENIA
10	6815 GASTON AVE	COKER KELLY
11	6807 GASTON AVE	KARWELIS ERVIN
12	6819 GASTON AVE	HOARD ZACHARY & CAROLINE
13	6823 GASTON AVE	WEAVER PETER F &
14	6827 GASTON AVE	ROEPKE STEVEN &
15	6826 LORNA LN	EVERT ELISABETH A
16	6818 LORNA LN	LEAKE SAM S & ASHLEY
17	6814 LORNA LN	BARION PERNILLE J
18	6805 LORNA LN	CAMERON CHRISTOPHER M &
19	6811 LORNA LN	BARNICOAT SUSAN B
20	6815 LORNA LN	SKIPWORTH LIVING TRUST
21	6819 LORNA LN	MEYERSON CAROL C
22	6827 LORNA LN	GARD JOHN &