



**AGENDA
BOARD OF ADJUSTMENT
WEDNESDAY, MAY 10, 2023
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
7:00 PM**

Page

1. CALL TO ORDER

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS
FLAGS**

3. CITIZEN COMMENTS

4. APPROVAL OF MINUTES

3 - 21

- 4.1. Consider Approval of the July 21, 2023 BOA Meeting
[July 21, 2022](#)

5. ITEMS FOR CONSIDERATION AND APPROVAL

22 - 32

- 5.1. Public Hearing to consider an application requesting two variances to the City of McLendon-Chisholm Zoning Regulations on property located on FM 1139 containing 12.05 acres of land further described. Regulation 1 requires the minimum width of a lot to have no less than 300 linear feet of street frontage. Regulation 2 requires the minimum width of a lot to be 300 feet. The request is to reduce the required street frontage from 300 feet to 233.65 feet and to reduce the required width from 300 feet to 233.55 feet.
[Application](#)
[Staff Recommendation](#)
- 5.2. Consideration and approval of an application requesting two variances to the City of McLendon-Chisholm Zoning Regulations on property located on FM 1139 containing 12.05 acres of land further described. Regulation 1 requires the minimum width of a lot to have no less than 300 linear feet

of street frontage. Regulation 2 requires the minimum width of a lot to be 300 feet. The request is to reduce the required street frontage from 300 feet to 233.65 feet and to reduce the required width from 300 feet to 233.55 feet.

6. ADJOURN

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session in order to seek confidential legal advice from the City Attorney on any agenda item herein.

I, Rochelle Green, do hereby certify that the above Notice of Board of Adjustment Meeting of the City of McLendon-Chisholm, Texas was posted or before 5:00 p.m., May 3, 2023 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**MINUTES
McLENDON-CHISHOLM, TEXAS
BOARD OF ADJUSTMENT
JULY 21, 2022**

Members Present: Beverly Stibbens, Chairperson
Herb Harker, Board Member
Lee Nichols, Board Member
Melody Osorio, Board Member
David Cross, Board Member (Alternate)
Christian Giadolor, Board Member (By Zoom)

Absent: Gary Nickel, Board Member (Excused absence due to illness)
James Parnell, Alternate (Excused absence due to work)

Staff Present: Konrad Hildebrandt City Administrator
Shelly Green City Secretary
Mike Coker City Planner

1. CALL TO ORDER

Chairperson Stibbens called the meeting to order at 7:01 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

Chairperson Stibbens led the pledge of allegiance to the U.S. and Texas Flags

3. CITIZEN COMMENTS

No Citizen Comments

4. APPROVAL OF MINUTES

- 4.1. May 11, 2022, Corrected BOA Minutes
- 4.2. June 9, 2022, Regular BOA Minutes
- 4.3. July 13, 2022, Regular BOA Minutes

MOTION: APPROVE MINUTES AS PRESENTED

MADE BY: Board Member Cross
SECONDED BY: Board Member Osario
APPROVAL: Unanimous

5. ITEMS FOR CONSIDERATION

5.1. Consider a request for approval of a variance to the SF 2.5 Zoning District required side yard of 25 feet, reducing the side yard to 15 feet six inches, a reduction in the required side yard setback of nine feet six inches.

Previous Interim City Administrator Crowley presented a memorandum:

“This past May, Mr. Justin Ellis applied for electric service to serve an accessory building on his property. The City’s Building Official appropriately denied the requested electrical permit because the accessory building had been placed on the property without the required permit. Mr. Ellis then sought to secure a permit for the accessory building. I inquired as to the requirements for placement of an accessory building and was advised that a 15-foot setback from side property lines if required. I passed this information along to Mr. Ellis. The Building Official measured the distance from the property line and found that the accessory building, in its then current location was several feet short of being 15 feet from the side property line. At some point thereafter, I was apprised of the 25-foot requirement. In fact, he had not been so advised.

In an effort to achieve compliance with what he believed to be a 15-foot requirement, at some point over the course of the next several weeks/months, Mr. Ellis had the building moved to achieve a 15.5-foot side setback and then sought a permit for the accessory building. At this point, he learned of the 25-foot requirement. Because of existing conditions on Mr. Ellis’ property, a 25-foot setback is problematic for him.

The City Planner, Mr. Coker, was provided the information about the matter and developed the case for consideration by the Board of Adjustment to consider. Although I will not be at the BOA meeting since a permanent City Administrator has been hired and will be “on board” by the time of the meeting, I felt it important to share the information with the Board as to the circumstances surrounding the application that will come before you.”

City Planner Coker presented his recommendation on this item:

REQUEST:

The applicant is requesting approval of a variance to the SF 2.5 Zoning District required side yard of 25 feet, reducing the side yard to 15 feet six inches, a reduction in the required side yard setback of nine feet six inches.

PROPERTY OWNERS: Justin Ellis
1201 E. FM 550
McLendon-Chisholm, Texas

REPRESENTATIVE: Justin Ellis

STAFF RECOMMENDATION: City staff recommends that the Board of Adjustment approve the request to reduce the required side yard from 25 feet to 15 feet six inches.

Conditions:

The accessory structure must not be moved any closer to the eastern property line than it is currently located.

BACKGROUND INFORMATION:

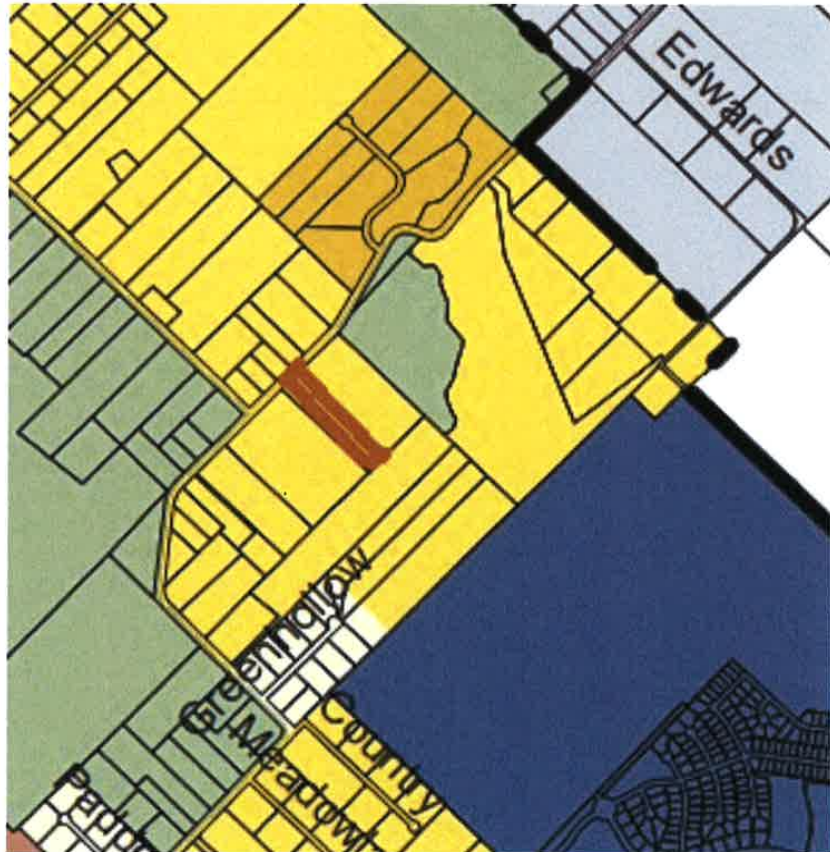
The subject property is a six-acre residential lot with a single-family residence, a detached covered parking area and several small portable storage facilities. An electrical permit is required in order to provide electricity to the accessory structure. Since the accessory structure was located within the required setback, the applicant has requested the variance to the locational requirements.

The subject property is zoned SF 2.5. That is each lot must have 2.5 acres of land. The subject property is six acres of land. The SF 2.5 zoning district requires a minimum interior side yard of 25 feet. [See graphic below]. The applicant is requesting a variance to the required 25-foot setback for two reasons:

1. The City advised the applicant that the required side yard setback is 15 feet in this zoning district. [The actual required side yard setback is 25 feet. He expended money relocating his accessory structure to meet 15-foot setback. [See the note from the Interim City Administrator below].
2. Moving the building any further to the west will interfere with the driveway. [see the RCAD aerial]

SF2.5 - Zoning District Area Requirements	
Minimum Lot Area	2 1/2 Acres
Minimum Lot Width	300 ft.
Minimum Lot Depth	200 ft.
Minimum Front Yard	75 ft.
Minimum Side Yard	25 ft. Interior
	75 ft. Street
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building Height	45 ft.

Zoning Map



Rockwall CAD aerial with subject property outlined in red and accessory structure location to the left of the arrow.



Thoroughfares/streets:

The subject properties front on FM 550 and are located directly across FM 550 from the southeast end of FM 1139. The Thoroughfare Plan calls for FM 550 to be an existing Major Collector to have a minimum 60-80 foot right of way width, the existing right of way width is 80 feet.

View of accessory structure looking easterly from subject property



View looking northerly showing the distance from the fence [Property Line] to the accessory structure.



MOTION: APPROVE THE REQUEST OF JUSTIN ELLIS FOR A VARIANCE TO THE SF 2.5 ZONING DISTRICT REQUIRED SIDE YARD OF 25 FEET, REDUCING THE SIDE YARD TO 15 FEET SIX INCHES, A REDUCTION IN THE REQUIRED SIDE YARD SETBACK OF NINE FEET SIX INCHES SUBJECT TO THE CONDITION THAT THE ACCESSORY STRUCTURE MUST NOT BE MOVED ANY CLOSER TO THE EASTERN PROPERTY LINE THAN IT IS CURRENTLY LOCATED.

MADE BY: Commissioner Nichols
SECONDED BY: Commissioner Harker
APPROVAL: Unanimous

5.2. Consider the request of Misti Nicholson for approval of variances to the GB General Business Zoning District requirements for Required Front Yard [Section 4-8 Zoning District Area Requirements] and landscaping [Section 6-10 Landscape Requirements, Subsection G]

City Planner presented his staff recommendation:

REQUEST:

The applicant is requesting approval of variances to the GB General Business Zoning District requirements for Required Front Yard [Section 4-8 Zoning District Area Requirements] landscaping [Section 6-10 Landscape Requirements, Subsection G].

PROPERTY OWNERS: Russell MacLelland
9607 Losa Drive
Dallas, Texas 75218

REPRESENTATIVE: Misti Nicholson

STAFF RECOMMENDATION: City staff recommends that the Board of Adjustment approve the request to vary the requirements of the Zoning Ordinance: Section 4-8 Zoning District Area Requirements; reducing the required front yard to the depth from 25 feet to nine feet, as shown on the attached survey;

And not requiring 40 percent of the required landscaping to be placed in the front yard subject to the following conditions:

Conditions:

- Provide a landscape plan for city staff review and approval that conforms to the requirements of Section 6-10 Landscape Requirements except that landscaping consisting of at least two trees and shrubs and ground covers be provided in the remaining area between the sidewalk adjacent to the building and the street right of way within 30 days following Board of Adjustment action.
- Comply with the proposed site plan and elevations, except that the driveway providing access from the street to the parking stalls and maneuvering area shall be concrete, not gravel.
- Apply for required construction and trade permits as required.

BACKGROUND INFORMATION:

The subject property is located in the General Business zoning district on the southwest side of SH 205 adjacent to Providence Academy on the north side and by a single-family home on the south side. Both of the adjacent properties are also zoned GB.

The applicant desires to convert an existing building [constructed in 1986] into a real estate office [professional office] for her real estate company. The building had previously been used as a non-conforming auto repair facility. A professional or business office is a permitted use in the General Business-GB zoning district.

The recent acquisition of most of the front yard by the State of Texas for the future widening of SH 205 caused the existing building to no longer conform to the minimum required 20-foot front yard. The State's acquisition reduced the area between the front of the building and the right of way to around nine feet.

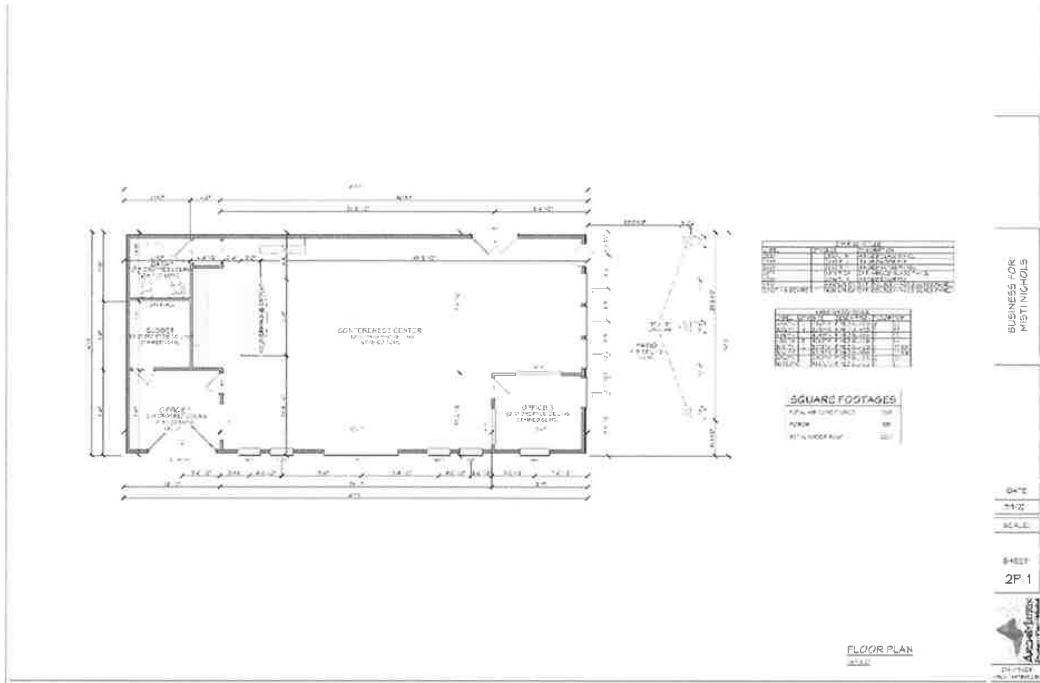
The building's original parking was all located in the front of the building. There was no existing landscaping on the site.

There is an existing eight-foot-tall wood fence surrounding the property starting at the rear of the existing structure.

PROPOSED SITE PLAN AND COLORED ELEVATIONS



PROPOSED FLOOR PLAN



EXTERIOR ELEVATIONS AND ROOF PLAN

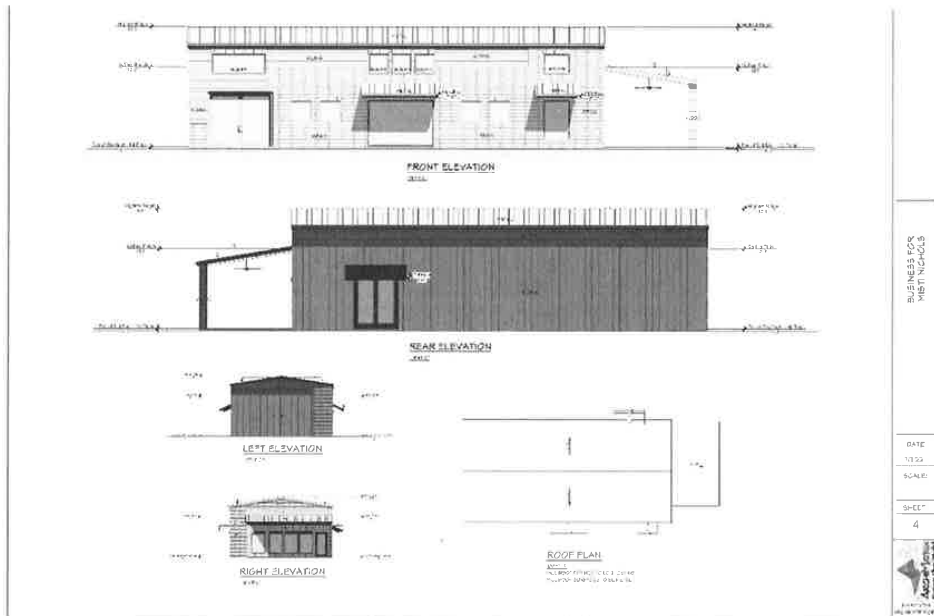


Photo of south side of building showing the adjacent residential use on commercially zoned property



Google Earth photo of front of building March 2021



Sec. 2-6 Nonconforming buildings

Where a lawful building exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Structures existing prior to the effective date of this ordinance, which were conforming at that time, are considered to be nonconforming structures currently.
2. No such nonconforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with city building codes.
3. Should such nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than 50 percent of its fair market value at the time of destruction, or 50 percent of the area of the structure, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the board of adjustment, after public hearing thereon, when the board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.
4. Should such building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
5. All structures located on residentially zoned parcels, at the effective date of this ordinance, shall be deemed to be conforming, unless such structure is increased. In such case the minimum size of structure as contained in the zoning district herein shall apply.

Landscaping

C. Events causing compliance. Land uses not previously subject to landscaping requirements may be required to comply with this section upon the occurrence of one of the following events:

- * A change in zoning;
- * Requirement of landscaping as conditions of a specific use permit;
- * Issuance of a building permit; or
- * Loss of legal non-conforming status.

G. Locational criteria.

1. Not less than 40 percent of the total landscaping shall be located in the designated front yard.
2. In the LI Zoning District only the front yard 40 percent of the total 20 percent shall be required. The rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing other requirements.
3. All landscape material shall comply with visibility requirements of the McLendon-Chisholm Subdivision Regulations.

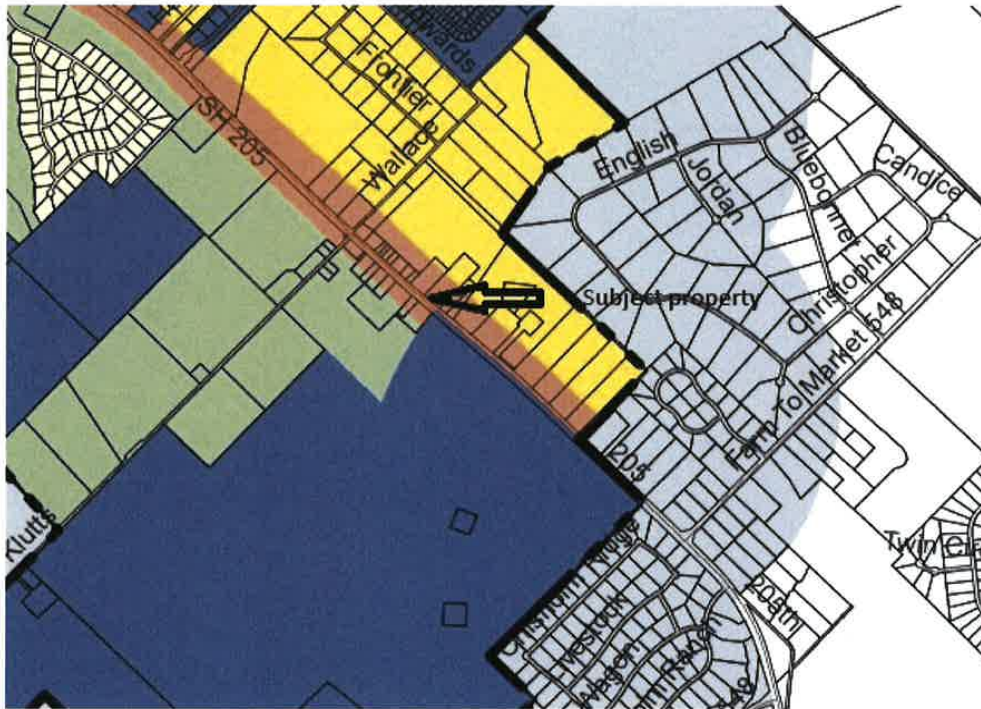
Sec. 6-8 Screening and buffer requirement

A. Purpose. Standards set forth in this section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

B. Generally.

1. When a boundary of a non-residential zoning district sides or backs upon an SF5, SF2.5, SF1.5, MH District, or a residential planned unit development a solid screening wall or fence of not less than six feet nor more than eight feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

Zoning Map



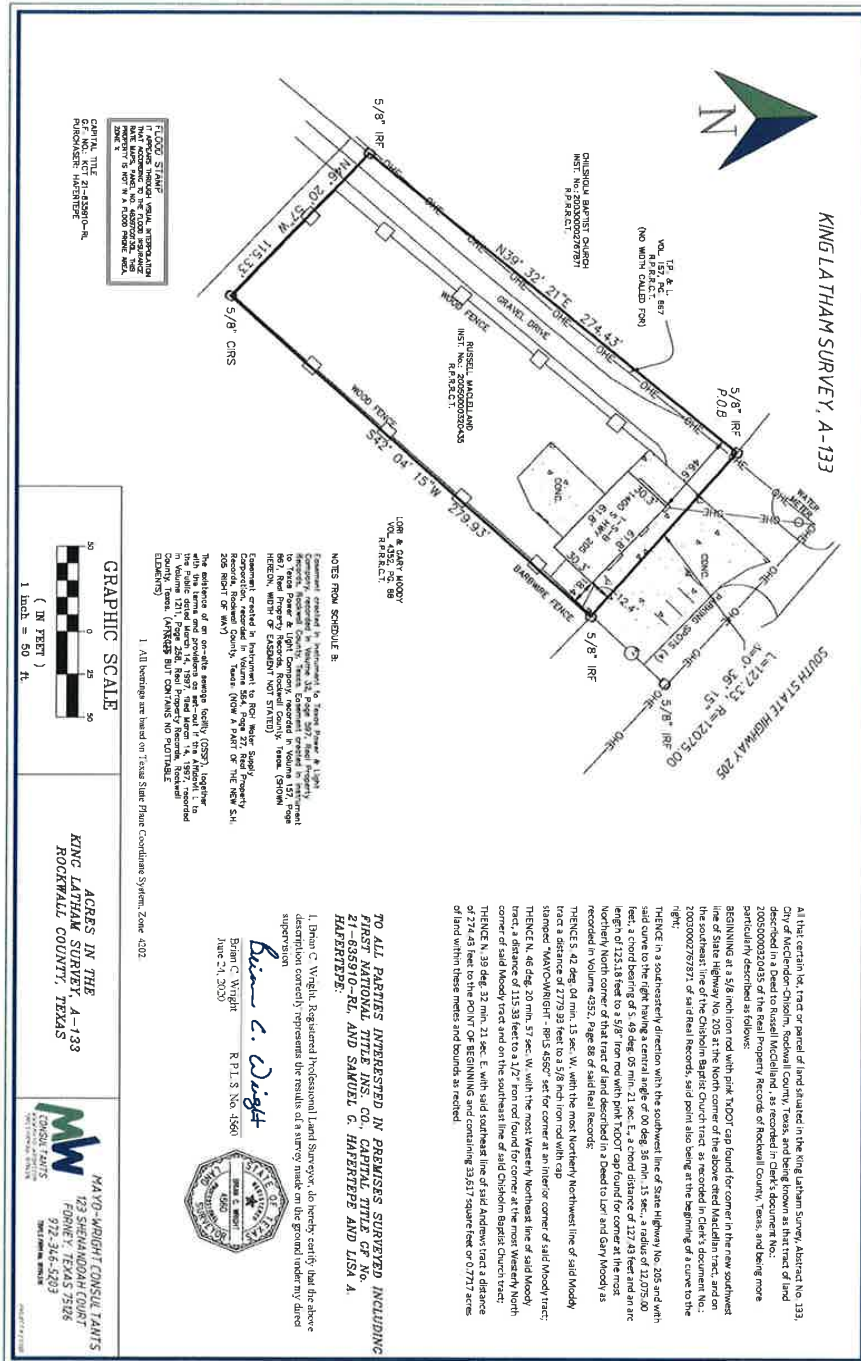
Zoning Requirements

GB - Zoning District Area Requirements	
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street
	15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res
	25 ft abutting Res.
Minimum Rear Yard	20 ft. abutting Non-Res
	25 ft. abutting Res.
Maximum Lot Coverage	35 %
Maximum Building Height	35 ft.

Rockwall CAD aerial with subject property outlined in red



Current survey following right of way acquisition by TXDOT for the widening of SH 205



Thoroughfares/streets:

The subject property fronts on SH 205. The required right of way for SH 205 100 to 150 feet. The State of Texas has acquired the required right of way adjacent to the subject property by fee simple acquisition. No additional right of way is required on the southwest side of SH 205 at this location. However, when the State acquired the necessary right of way, the front yard to less than 12 feet making the existing building non-conforming as related to the required 20-foot front yard setback.

Board of Adjustment Guidance

G. Variances. The board shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

1. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

2. Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this ordinance and at the same time, the surrounding property will be properly protected.

3. The board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the mayor or his/her designee in the enforcement of this ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:

(a) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.

(b) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

(c) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.

(d) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use.

(e) To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

(f) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:

(g) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(h) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

(i) That the special conditions and circumstances do not result from the actions of the applicant;

(j) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and

(k) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

MOTION: APPROVE THE REQUEST OF MISTI NICHOLSON FOR APPROVAL OF VARIANCES TO THE GB GENERAL BUSINESS ZONING DISTRICT REQUIREMENTS FOR REQUIRED FRONT YARD [SECTION 4-8 ZONING DISTRICT AREA REQUIREMENTS] AND LANDSCAPING [SECTION 6-10 LANDSCAPE REQUIREMENTS, SUBSECTION G], SUBJECT TO CONDITIONS SET FORTH BY THE CITY PLANNER.

MADE BY: Commissioner Osario
SECONDED BY: Commissioner Giadolor
APPROVAL: Unanimous

6. ADJOURN

There being no further business to discuss, Chairperson Stibbens adjourned the meeting at 7:21 p.m.

ATTEST:

APPROVED:

Rochelle Green, City Secretary

Beverly Stibbens, Chairperson



APPLICATION TO REQUEST A HEARING
BEFORE THE CITY OF MCLENDON-CHISHOLM
BOARD OF ADJUSTMENT

DATE OF APPLICATION 2/17/23 CASE # _____

NAME OF APPLICANT Melissa Alt & William T. Alt

ADDRESS 609 Life Spring Dr. PHONE NO. 469.338.3046

Rockwall, Tx 75087 BUSINESS PHONE NO. 972-279-0444

DESCRIPTION OF PROPERTY LOT NUMBER _____ BLOCK NUMBER _____

LEGAL DESCRIPTION OF PROPERTY: See attached

ADDRESS OF PROPERTY: 1885 Fm 1139 Rockwall, Tx 75032

REASON FOR REQUEST: _____

Request for variance for street footage:
300 Ft to 233.45'

Request for variance for lot width:
300 Ft to 233.65'

Reason for request: To build a home.

SIGNATURE OF APPLICANT M. Alt

Applicant must provide a survey or plat showing location of proposed improvements and existing structures as related to all boundary lines, pictures and descriptions of project, materials descriptions and list of property owners and address within 200'.

FEE \$400.00 and All Consulting Fees DATE/AMOUNT PAID: _____

RECEIPT #: _____

FOR CITY USE ONLY

DATE AND TIME OF MEETING SCHEDULED _____

REQUEST FOR VARIANCE GRANTED/DENIED.
IF DENIED, REASON: _____

STATE OF TEXAS:
COUNTY OF ROCKWALL:

BEING a tract of land situated in the J C NEWELL SURVEY, ABSTRACT NO. 166, of Rockwall County, Texas, and being a tract of land conveyed to Zoran Temunovic ad Gen Fang Kao, as recorded in Volume 4521, Page 155, of the Deed Records of Rockwall County, Texas, as shown on this survey and being more particularly described by meters and bounds as follows:

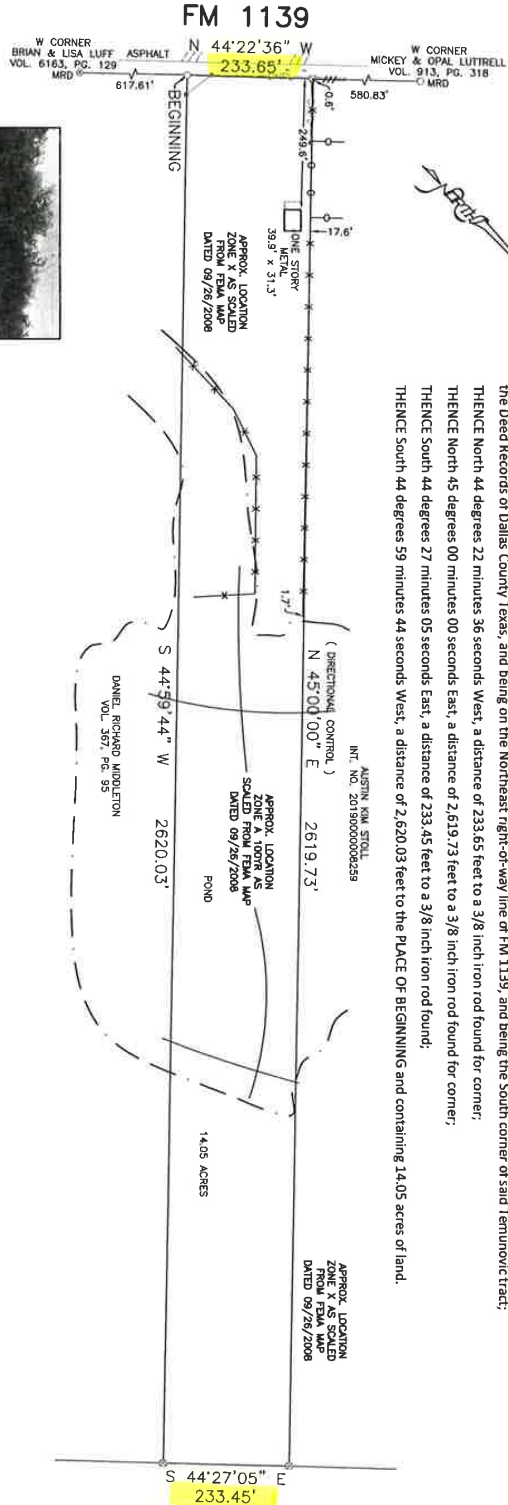
BEGINNING at a 1/2 inch iron rod found for corner, being the West corner of a tract of land conveyed to Daniel Richard Middleton, as recorded in Volume 367, Page 95, of the Deed Records of Dallas County, Texas, and being on the Northeast right-of-way line of FM 1139, and being the South corner of said Temunovic tract;

THENCE North 44 degrees 22 minutes 00 seconds East, a distance of 2,619.73 feet to a 3/8 inch iron rod found for corner;

THENCE North 45 degrees 00 minutes 00 seconds East, a distance of 2,619.73 feet to a 3/8 inch iron rod found for corner;

THENCE South 44 degrees 27 minutes 05 seconds East, a distance of 2,333.45 feet to a 3/8 inch iron rod found;

THENCE South 44 degrees 59 minutes 44 seconds West, a distance of 2,620.03 feet to the PLACE OF BEGINNING and containing 14.05 acres of land.



TITLE SURVEY



PROPERTY SUBJECT TO EASEMENTS & RESTRICTIONS

ACCEPTED BY: _____

TITLE RESOURCES VOL. 64, PG. 77
VOL. 64, PG. 207
VOL. 67, PG. 531

1529 E. F-504, STE. 106, GARLAND, TX 75045 - FROM REGISTRATION NO. 10194622

THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR THE CLIENT AND THE SURVEYOR ASSUMES NO LIABILITY FOR ANY LOSS RESULTING FROM THIS SURVEY.

DATE: 08/02/2021

C. F. No.: 21121284-1091

Job no.: 109501

Drawn by: CR

LEGEND

---	IRON ROD
---	WOODEN PIN
---	CONCRETE MARKER
---	REBAR
---	STEEL PIPE
---	ALUMINUM PIPE
---	PLASTIC PIPE
---	WOODEN POST
---	CONCRETE POST
---	STEEL POST
---	ALUMINUM POST
---	PLASTIC POST
---	WOODEN NAIL
---	CONCRETE NAIL
---	STEEL NAIL
---	ALUMINUM NAIL
---	PLASTIC NAIL

(UNLESS OTHERWISE NOTED)





BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: May 1, 2023

APPLICANT: Melissa Alt
609 Life Spring Drive
Rockwall, Texas 75087

LOCATION: Rockwall CAD Property ID #s 12016 and 12017 located on the northeast side of FM 1139
one lot southwest of Kentwood Drive, McLendon-Chisholm, Texas

BOARD OF ADJUSTMENT MEETING – May 10, 2023

REQUEST:

The applicant is requesting two variances to Section 4-1 of the City of McLendon-Chisholm Zoning Ordinance. This section requires lot frontage of 300 feet adjacent to the public way. The request is to reduce the required 300 feet of frontage to 233.65 feet, a reduction of 66.35 feet. Additionally, the applicant is requesting a variance to the required lot width. The minimum lot width required in the Agriculture Zoning District is 300 feet. The lot width requested is 233.55 feet, a reduction in the required width of 66.45 feet.

PROPERTY OWNER: Melissa Alt
609 Life Spring Drive
Rockwall, Texas 75087

REPRESENTATIVE: Melissa Alt

STAFF RECOMMENDATION: Approval of both requests.

Both requests meet the standards required to approve the variances.

BACKGROUND INFORMATION:

The subject property is two seven-acre tax tracts of land located FM 1139. [Rockwall CAD Nos. 12016 and 12017 both parts of a larger 14-acre tract.] This is an unplatted tract of land in AO166 JC Newell Survey, Tracts 4 and 5.

The zoning district for the subject property is SF 2.5 Single Family Zoning District. This zoning district requires a minimum lot size of 2.5 acres of land. The subject property is 14 acres of land. A tract of land

in excess of five acres is not required to plat. Therefore, staff is not recommending that the subject property be platted.

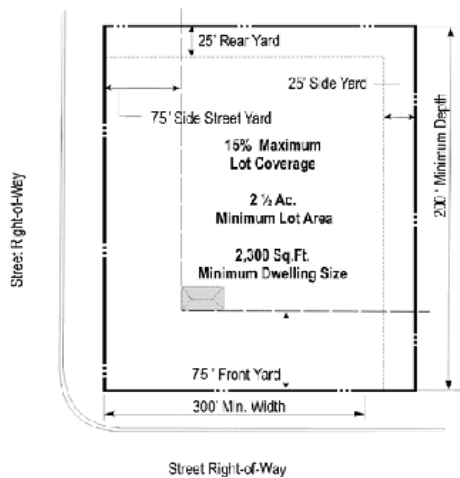
The 2.5 zoning district requires a minimum frontage adjacent to the street right of way of 300 feet. [See the graphic below].

The SF 2.5 zoning district also requires a minimum lot width of 300 feet. [See the chart below with the required minimum lot width]. The street frontage is 233.65 feet and the rear lot line is 233.45 feet.

“(6) Lot width definition. The lot width is the average of front and rear lot dimensions.”
The average of the front and rear property lines is 233.55 feet of lot width.

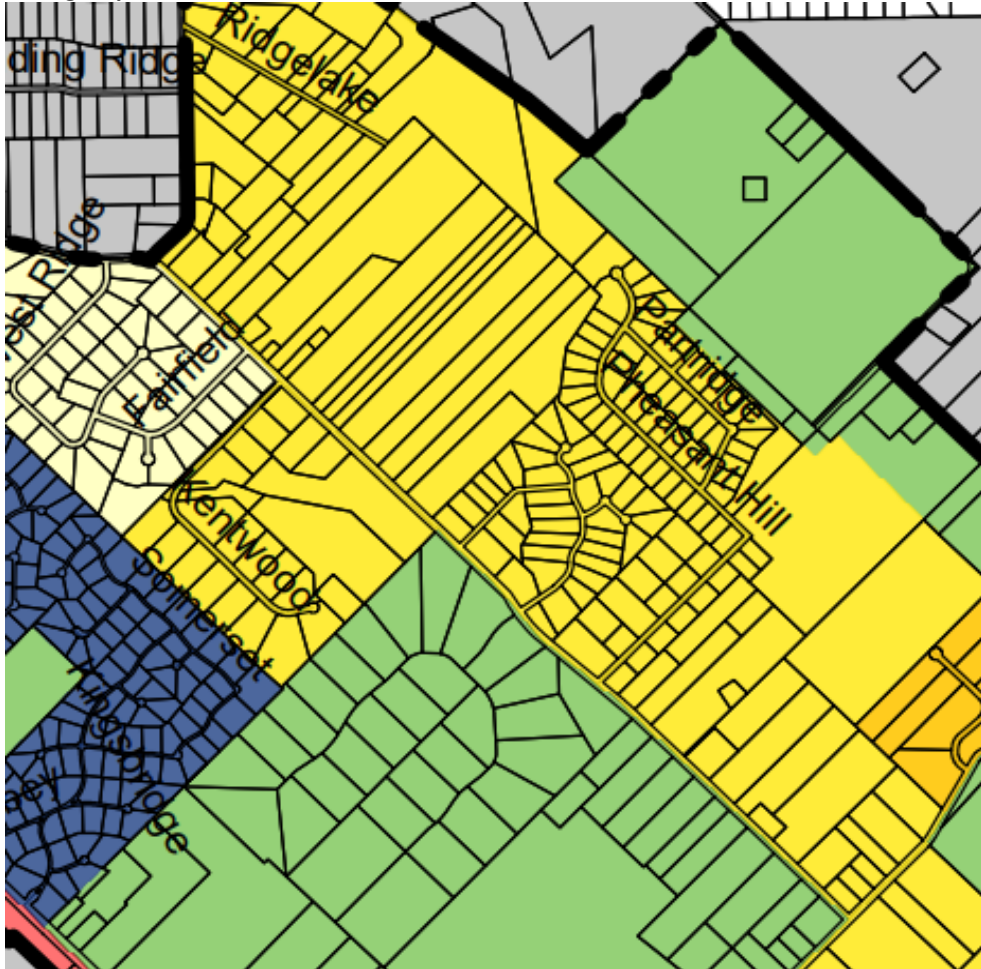
Zoning:

The zoning envelope and size requirements for the SF 2.5 zoning district are shown in the graphics below.



SF2.5 - Zoning District Area Requirements	
Minimum Lot Area	2 1/2 Acres
Minimum Lot Width	300 ft.
Minimum Lot Depth	200 ft.
Minimum Front Yard	75 ft.
Minimum Side Yard	25 ft. Interior 75 ft. Street
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building Height	45 ft.

Zoning map:



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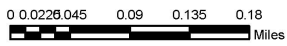
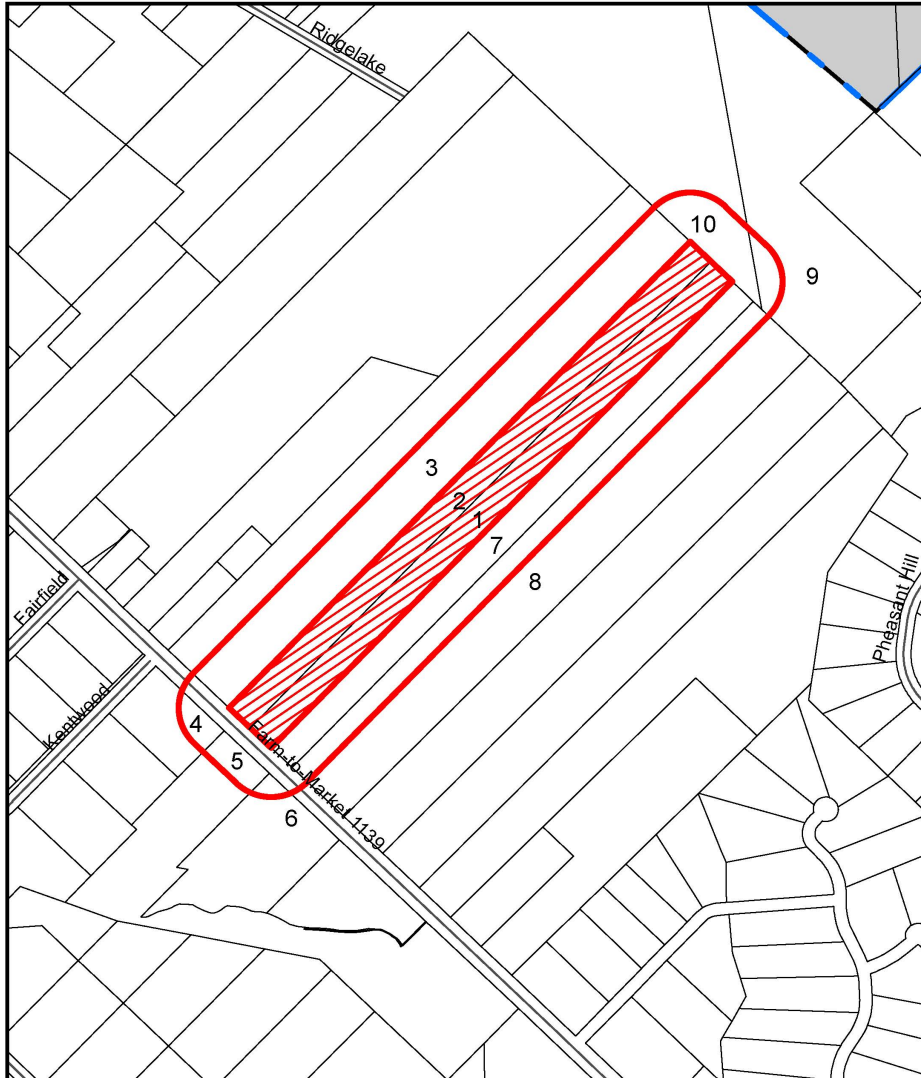
Subject property aerial outlined in red



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City of McLendon-Chisholm
Property ID: 12016/12017
200' Notification Map





Property ID: 12016 & 12017 – 200' Notification

1. ALT MELISSA (1108860)
609 LIFE SPRING DR
ROCKWALL TX 75087
2. ALT MELISSA (1108860)
609 LIFE SPRING DR
ROCKWALL TX 75087
3. STOLL AUSTIN KIM (1094141)
1516 SALT CEDAR CT
SPRINGFIELD IL 62712
4. JARVIS FAMILY LIVING TRUST (91943)
1071 KENTWOOD DR
ROCKWALL TX 75032-7513
5. CARTER DEMETRIA D (1096102)
1804 KENTWOOD CR
ROCKWALL TX 75032
6. JENKINS CHRISTOPHER L & SARONYA YOUNVANICH (1096205)
1810 KENTWOOD CIRCLE
ROCKWALL TX 75032
7. EVANS SCOTT AND SANDRA (1117393)
104 W JONES ST
TERRELL TX 75160-2107
8. MIDDLETON DANIEL RICHARD (11822)
1771 FM 1139
ROCKWALL TX 75032-7155
9. CITY OF ROCKWALL (10552)
205 W RUSK ST
ROCKWALL TX 75087-3633

10. HOLCOMBE THOMAS WESLEY JR AND SUZANNE KITTRIX HOLCOMBE-
GREY (1071863)
925 CANE CREEK DR
FLETCHER NC 28732

Powers of the Board:

G. Variations. The board shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

1. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
2. Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this ordinance and at the same time, the surrounding property will be properly protected.
3. The board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the mayor or his/her designee in the enforcement of this ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:
 - (a) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.
 - (b) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - (c) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.

(d) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use.

(e) To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

(f) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:

(g) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(h) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

(i) That the special conditions and circumstances do not result from the actions of the applicant;

(j) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and

(k) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.