



**AGENDA
BOARD OF ADJUSTMENT
WEDNESDAY, MAY 11, 2022
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
7:00 PM**

Page

1. CALL TO ORDER

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

3. CITIZEN COMMENTS

4. APPROVAL OF MINUTES

3 - 5 4.1. November 22, 2021 Regular Board of Adjustment Meeting
 [11.22.21 BOA Minutes](#)

6 - 8 4.2. April 13, 2022 Regular Board of Adjustment Meeting
 [04.13.22 BOA Gardner](#)

5. ITEMS FOR CONSIDERATION

9 - 18 5.1. Consider the application of Perry Bowen, requesting a variance to Section 3-2, subsection 15 of the City of McLendon-Chisholm Zoning Ordinance. Subsection 15: "15. Accessory dwelling/garage apartments are limited to a maximum of 500 square feet." The request is to increase the size of an accessory guest house from 500 square feet to 1,141 square feet.
 [Application](#)
 [Staff Recommendation](#)

19 - 30 5.2. Consider the application of Mike Baker, requesting a variance to the required 25-foot yard setback to build a new detached garage. The request is to reduce the required 25-foot side yard to 15-feet.
 [Application](#)
 [Staff Recommendation](#)

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- 5.3. Consider the application of Carlos & Alicia Rojas requesting a variance to the 300 feet frontage adjacent to a public street.

[Application](#)

[Staff Recommendation](#)

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 Meeting of the Board of Adjustment of McLendon-Chisholm, Texas was posted or before 7:00 p.m., May 7, 2022 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
November 22, 2021

Members Present: Beverly Stibbens, Chairperson
Herb Harker, Board Member
Gary Nickel, Board Member
Melody Osorio, Board Member
Christian Giadolor
David Cross, Board Member (Alternate)

Staff Present: Rick Crowley Interim City Administrator
Shelly Green City Secretary
Mike Coker City Planner

1. CALL TO ORDER

Chairperson Stibbens called the meeting to order at 7:00 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

None

4. APPROVAL OF MINUTES

4.1. August 30, 2021 Board of Adjustment Meeting Minutes

MOTION: APPROVE MINUTES OF AUGUST 30, 2021 AS PRESENTED

MADE BY: Board Member Giadolor
SECONDED BY: Board Member Harker
APPROVAL: Unanimous

5. ITEMS FOR CONSIDERATION

August 30, 2021 - Board of Adjustment Minutes

- 6.1. Discussion and action regarding the request of Pamela C. Bazzell to reconsider her original request for a variance to locational requirements for accessory structures which was approved on August 30, 2021.

Chairperson Stibbens reported there have been nine responses to this request – 5 in favor of the request and four opposed.

MOTION: APPROVE THE REQUEST TO RECONSIDER THE ORIGINAL REQUEST FOR A VARIANCE TO LOCATIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES WHICH WAS APPROVED ON AUGUST 30, 2021.

MADE BY: Board Member Giadolor
SECONDED: Board Member Nickel
APPROVAL: Unanimous

5.1. Discussion and action regarding a request by Pamela C. Bazzell for a variance to the locational requirements for accessory structures.

City Planner Mike Coker presented his staff report:

REQUEST:

The applicant is requesting a variance to the locational requirements for accessory structures. Specifically, to construct an accessory structure in the front yard of a primary residential structure.

PROPERTY OWNER: Pamela C. Bazzell
REPRESENTATIVE: Pamela C. Bazzell

STAFF RECOMMENDATION: Approval. [NOTE: There is not a location on the replatted property that would allow the placement of an accessory structure behind the front of the house other than in the flood plain.] The location of the proposed accessory structure conforms to the requirements of the Powers of the Board to permit variances:

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 variance 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.

Background

The Board of Adjustment originally heard a request from Ms. Bazzell for two variances; one for accessory structures in front of the main residential use and the other for the placement of the two accessory structure in the FEMA designated flood plain.

At the August 30, 2021 hearing, the Board granted both requests. Subsequent to the Board's approval of the requests, the applicant determined that the FEMA requirements for approval of the accessory structures were too onerous. So, she reduced the number of structures from two to one and relocated the one accessory structure in an area that is not shown to be in the FEMA floodplain.

Subsequent to the BOA approval, the Planning and Zoning Commission and City Council approved a replat of the four lots into one identified as Lot 10 R on the attached plat.

The new location is not

7. ADJOURN

There being no further business to discuss, Chairperson Stibbens adjourned the meeting at 8:11 p.m.

ATTEST:

APPROVED:

Rochelle Green, City Secretary

Beverly Stibbens, Chairperson



MINUTES
McLENDON-CHISHOLM, TEXAS
BOARD OF ADJUSTMENT
April 13, 2022

Members Present: Beverly Stibbens, Chairperson
Herb Harker, Board Member
Gary Nickel, Board Member
Melody Osorio, Board Member

Members Absent: Christian Giadolor, Board Member
David Cross, Board Member (Alternate)

Staff Present:	Rick Crowley	Interim City Administrator
	Shelly Green	City Secretary
	Mike Coker	City Planner

1. CALL TO ORDER

Chairperson Stibbens called the meeting to order at 7:00 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

Rick Hansen, 539 Smith Road. Spoke in favor of the variance request.

4. ITEMS FOR CONSIDERATION

- 4.1. Consider the application of Peter & Janyce Gardner 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 feet of frontage to 98.67 feet, a reduction of 201.91 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 198.57 feet, a reduction in required width of 101.43 feet.

Chairperson Stibbens reported there have been no responses to this request.

April 13, 2022 - Board of Adjustment Minutes

City Planner Mike Coker presented his report:

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 of 98.67 feet, a reduction of 201.91 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 198.57 feet, a reduction in required width of 101.43 feet

PROPERTY OWNER: Peter & Janyce Gardner
1801 Ramsgate Road
Forney, Texas 75126

REPRESENTATIVE: Mr. or Mrs. Gardner

STAFF RECOMMENDATION: Approval of both requests.

Both requests meet the standards required to approve the variance.

BACKGROUND INFORMATION:

The subject property is a 6.995 Acre tract of land located at 430 Smith Road. [Rockwall CAD No. 11382]. This is an unplatted tract of land in A0133 K. Latham Abstract, Tract 11-01.

The zoning district for the subject property is “Ag” Agriculture. This zoning district requires a minimum lot size of 2.5 acres of land. The subject property is nearly seven [7] 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 should be platted.

The AG zoning district requires a minimum frontage adjacent to the street right of way of 300 feet. This is flag lot with 98.57 linear feet of frontage adjacent to Smith Road.

The AG zoning district also requires a minimum lot width of 300 feet. The street frontage is 98.57 feet, and the rear lot line is 298.57 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 198.57 feet of lot width.

MOTION: APPROVE THE REQUESTED VARIANCES AS PRESENTED.

MADE BY: Board Member Nickel
SECONDED: Board Member Harker
APPROVAL: Unanimous

5. ADJOURN

There being no further business to discuss, Chairperson Stibbens adjourned the meeting at 7:15 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 5-4-22 CASE # _____
NAME OF APPLICANT Perry Bowen
ADDRESS 230 Myers Rd PHONE NO. 972-771-0986
Heath, TX BUSINESS PHONE NO. 972-771-0986
DESCRIPTION OF PROPERTY LOT NUMBER 14 BLOCK NUMBER _____
LEGAL DESCRIPTION OF PROPERTY: New Single Family Residence

ADDRESS OF PROPERTY: 1533 Vista Court
REASON FOR REQUEST: Add 1171 sf Guest House

(Sending Building Plans Separately)
Also Site Plan & Engineering

SIGNATURE OF APPLICANT Perry Bowen

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: _____



BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: May 6, 2022

APPLICANT: Perry Bowen Homes
Perry Bowen
230 Myers Road
Heath, Texas

LOCATION: 1533 Vista Court
Mira Vista Subdivision
McLendon-Chisholm, Texas

BOARD OF ADJUSTMENT MEETING – May 11, 2022

REQUEST:

The applicant is requesting a variance to Section 3-2, subsection 15 of the City of McLendon-Chisholm Zoning Ordinance. Subsection 15: "15. Accessory dwelling/garage apartments are limited to a maximum of 500 square feet." The request is to increase the size of an accessory guest house from 500 square feet to 1,171 square feet.

PROPERTY OWNER: Seth and Vandy Mayer
288 S. Sandstone Street
Gilbert, Arizona 85296

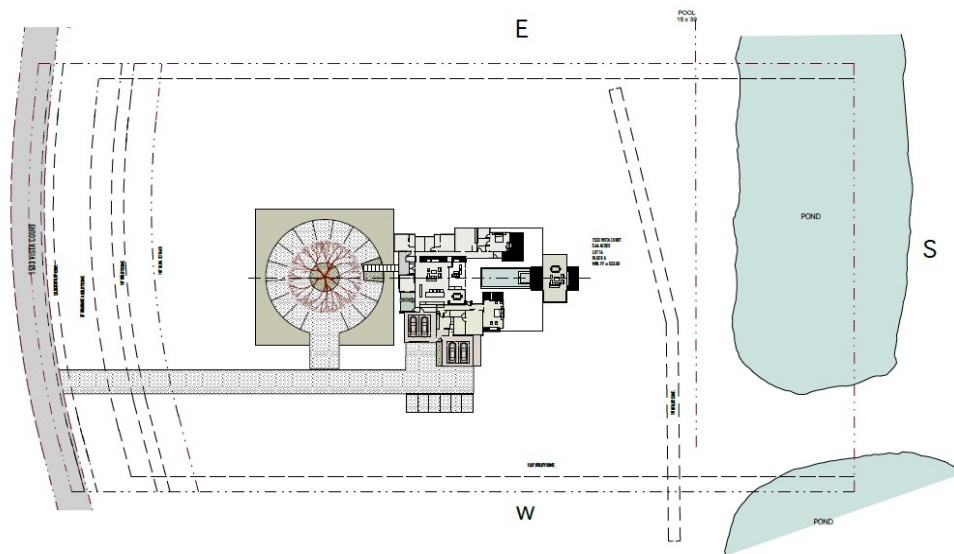
REPRESENTATIVE: Perry Bowen

STAFF RECOMMENDATION: Approval subject to the following condition: Accessory residential structure to be constructed as shown on the attached site plan and related construction plans and elevations as provided by the applicant with the variance request.

BACKGROUND INFORMATION:

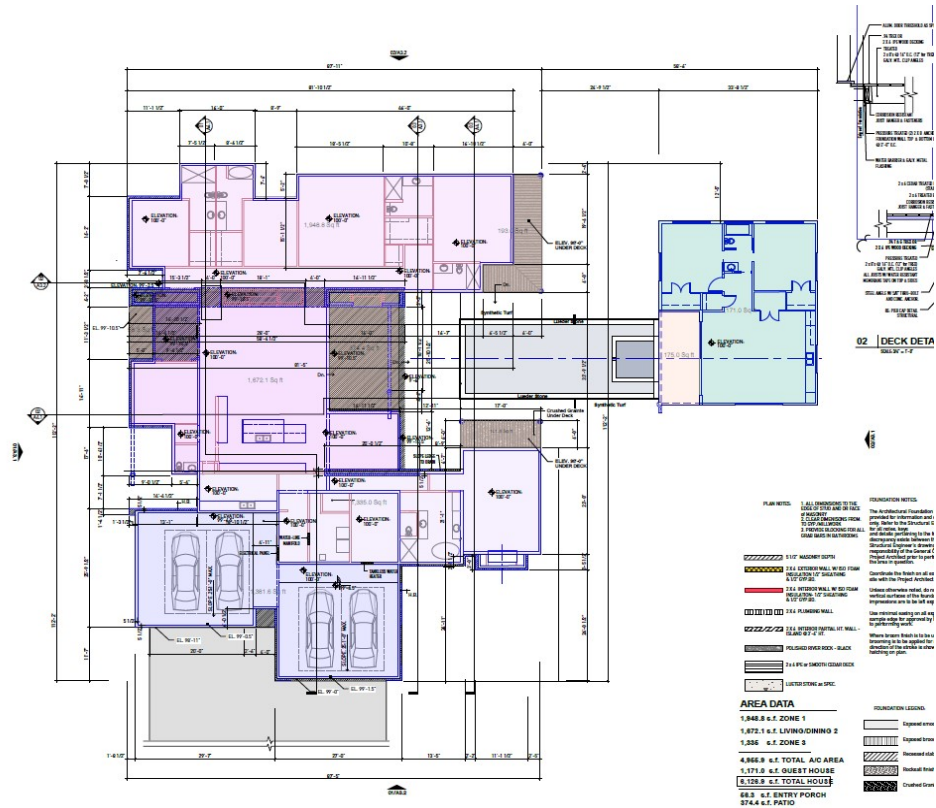
The applicant applied for a building permit for the construction of a main residential structure and a guest house on property in the Mira Vista subdivision. A guest house is a use allowed by right in the Agricultural zoning district. The Building Official determined that the guest house portion of the permit application exceeded the maximum square footage for a guest house allowed by the Zoning Ordinance: Section 3-2, Subsection 15, which restricts accessory dwellings or garage apartments to a maximum of 500 square feet. The Building Official has delayed issuance of the Building Permit until such time as the Board of Adjustment approves or disapproves the request.

Site Plan



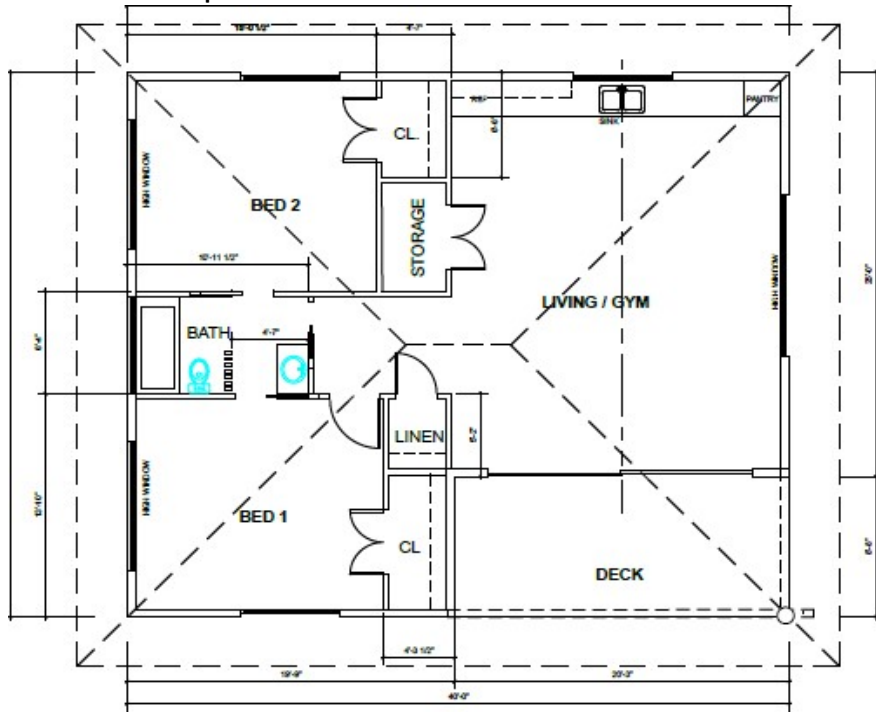
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Floor Plan



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Guest House floor plan



The guest house is a 40 foot by 33 foot 8 inch rectangle on one floor.

City staff believes this application satisfies the standards required of the Board for the granting of a variance.

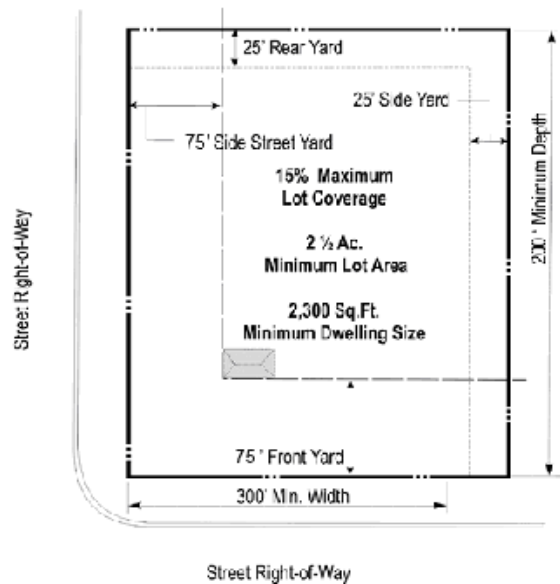
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Zoning:

The zoning district for the subject proposed new residential property is "Ag" Agriculture.

The zoning envelope for the Agriculture zoning district is shown in the graphic below.

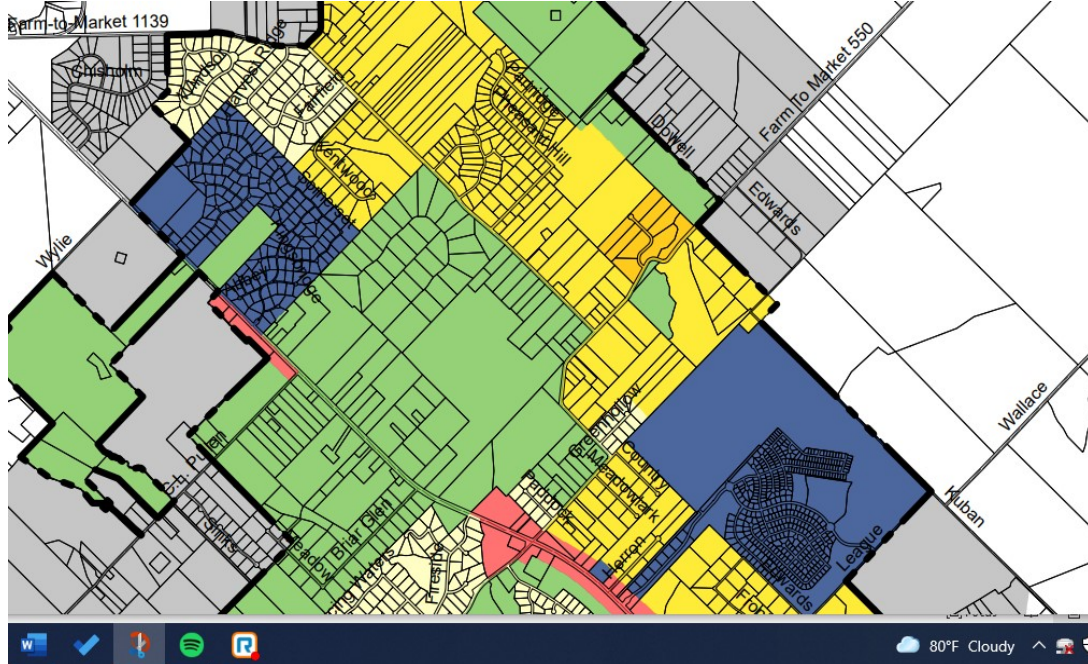
The subject property is Lot 14, Mira Vista Addition and is identified by Rockwall CAD as PID # 89038. The subject lot contains 5.4430 acres of land and satisfies the minimum lot size, depth, width and street frontage requirements.



The Ag-Agriculture zoning district requires a minimum residential lot size of 2.5 acres of land and minimum lot frontage of 300 feet adjacent to the street right of way. The proposed residential lot contains 2.97 acres of land and has the required width and depth, but not the required street frontage.

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Zoning map:



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Rockwall CAD map



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Thoroughfares/streets:

Vista Court is a local street and complies with the requirements of the Subdivision Ordinance.

Powers of the Board:

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.



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

DATE OF APPLICATION May 2, 2022 CASE # _____

NAME OF APPLICANT Mike + Lou Baker

ADDRESS 804 Abington Way PHONE NO. 214-893-3567
Rockwall, TX 75032 BUSINESS PHONE NO. _____

DESCRIPTION OF PROPERTY LOT NUMBER 34 BLOCK NUMBER D

LEGAL DESCRIPTION OF PROPERTY: Kensington Park Phase #2
Block D, Lot 34 single family home
1.44 acres

ADDRESS OF PROPERTY: 804 Abington Way Rockwall, TX 75032

REASON FOR REQUEST: Due to the shape of our property and the location in which Altura placed our home on our property, we do not have the same opportunity to utilize our property in the same manner others in our community do. The structure will not interfere with drainage and there are no utilities in the ground where this is planned. The structure will be 15' off the property line and we are unable to move it closer to the house due to the location that Altura built this on our land. continued

SIGNATURE OF APPLICANT _____

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: 5-5-22 \$1400

RECEIPT #: _____

FOR CITY USE ONLY

DATE AND TIME OF MEETING SCHEDULED _____

REQUEST FOR VARIANCE GRANTED/DENIED.

IF DENIED, REASON: _____



THIS IS TO CERTIFY THAT PERSONS UNDER MY DIRECTION HAVE, THIS DATE, MADE AN ON-THE-GROUND SURVEY OF PROPERTY LOCATED AT 804 ABBINGTON WAY, BEING LOT 34, BLOCK D, KENSINGTON PARK - PHASE 2, AN ADDITION TO THE CITY OF MCLENDON-CHISHOLM, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER COUNTY CLERK'S FILE NO. 2016000008632, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS.

- PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT¹ RECORDED IN VOL. 172, PG 633;
VOL. 6803, PG 61; VOL. 7074, PG 34 AND COUNTY CLERK'S FILE NO(S). 20130000500241 AND 20160000011789.
ALL BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP NO.
48397C0130L.

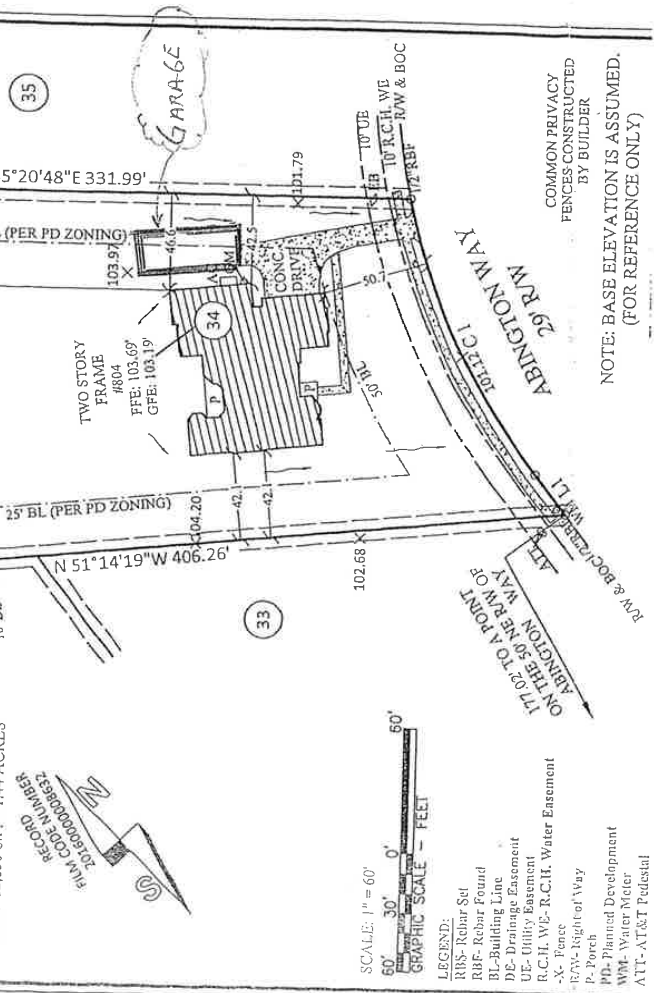
Curve	Radius	Length	Chord	Chord Bear.
C1	314.50'	146.67'	145.34'	S 19°17'19"W

Course	Bearing	Distance
L1	S 5°55'54"W	24.20'
L2	N 45°08'21"W	47.00'

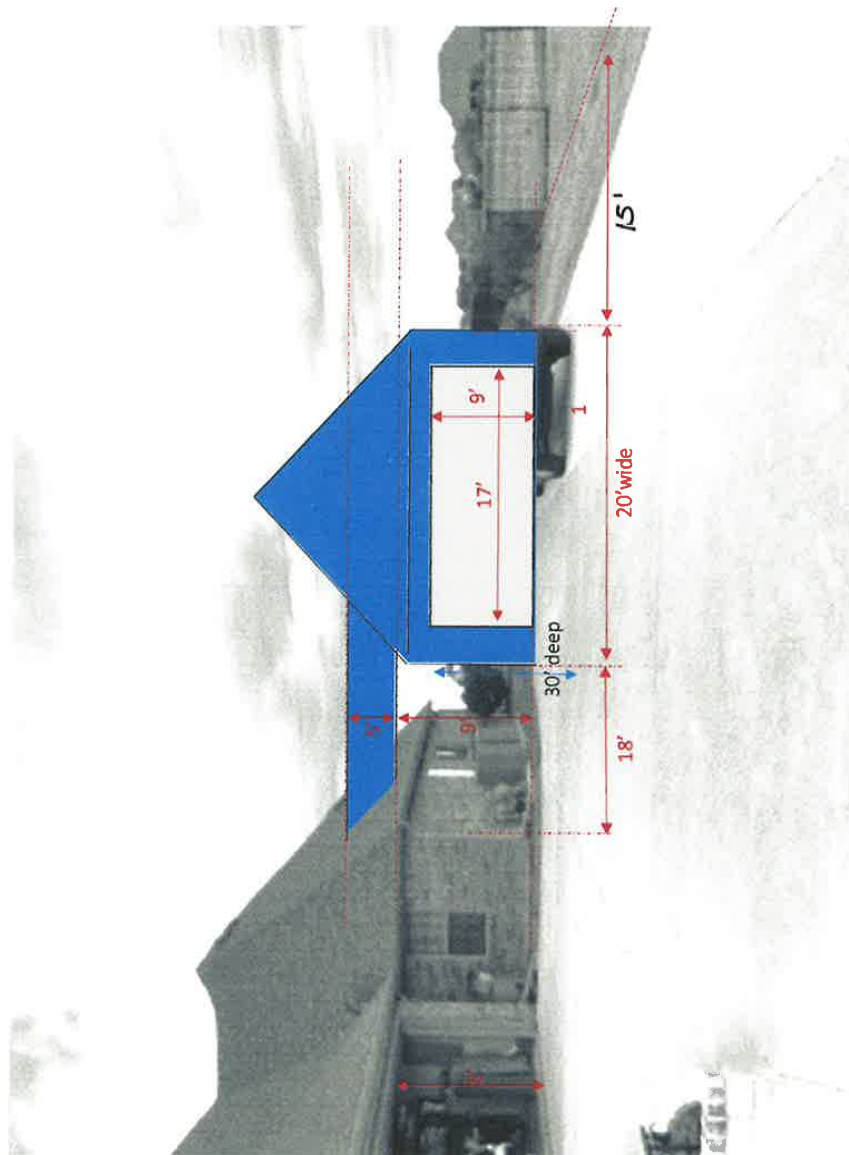
SURVEYOR HAS REVIEWED THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE AND ADDRESSED ALL INSTRUMENTS IDENTIFIED IN SCHEDULE B THEREOF OR NOTED SAID INSTRUMENTS AS NOT AFFECTING THE SUBJECT PROPERTY.

EASEMENTS RECORDED IN THE
FOLLOWING VOLUMES AND
PAGES DO NOT AFFECT THE
PROPERTY DESCRIBED BELOW.
VOL 66, PG 327; VOL 74, PG 51;
VOL 77, PG 158; VOL 112, PG 289;
CLERK'S FILE NO. 2013-481260

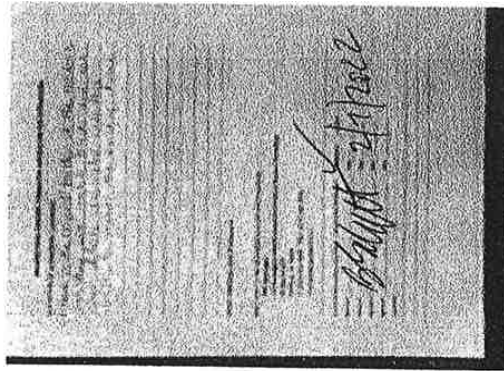
AREA: 62,830 S.F. ~ 1.44 ACRES



NOTE: BASE ELEVATION IS ASSUMED.
(FOR REFERENCE ONLY)



Mike + Lon Baker
 HOA approval
 804 Abington Way
 Rockwall, TX 75082





BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: May 7, 2022

APPLICANT: Mike and Lou Baker
804 Abington Way
Rockwall, Texas 75032

LOCATION: 804 Abington Way
Kensington Park, Phase 2, Block D, Lot 34, McLendon-Chisholm, Texas

BOARD OF ADJUSTMENT MEETING – May 11, 2022

REQUEST:

The applicant is requesting a variance to the required 25-foot side yard setback to build a new detached garage. The request is to reduce the required 25-foot side yard to 15-feet.

PROPERTY OWNER: Seth and Vandy Mayer
288 S. Sandstone Street
Gilbert, Arizona 85296

REPRESENTATIVE: Perry Bowen

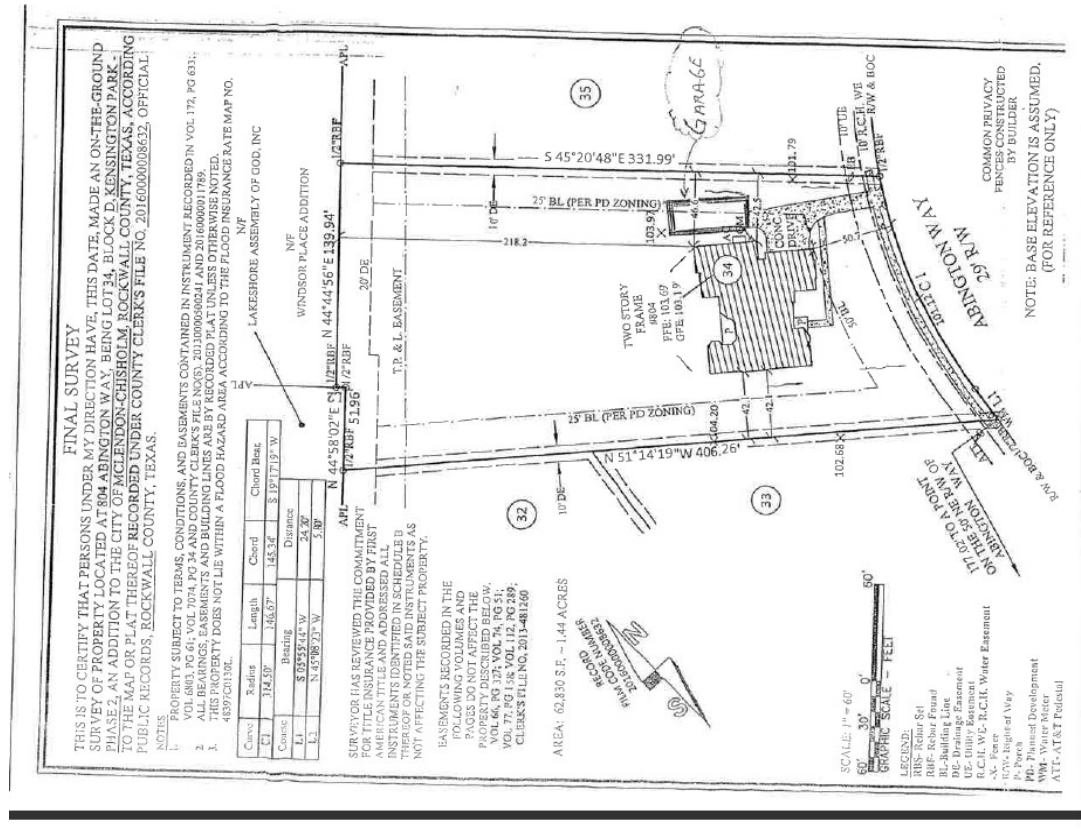
STAFF RECOMMENDATION: Approval subject to the following condition: Garage to be constructed as shown on the site plan provided by the applicant and that a building permit is issued prior to commencement of construction.

BACKGROUND INFORMATION:

The applicant's would like to build a new detached garage that would require a 10-foot encroachment into the required 25-foot side yard setback. The irregular shape of the front of the lot and the location of the existing home would require construction of the garage to encroach into the set back.

City staff believes this application satisfies the standards required of the Board for the granting of a variance.

Site Plan



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Rockwall CAD map



Thoroughfares/streets:

Abington Way is a local street and complies with the requirements of the Subdivision Ordinance.

Powers of the Board:

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;

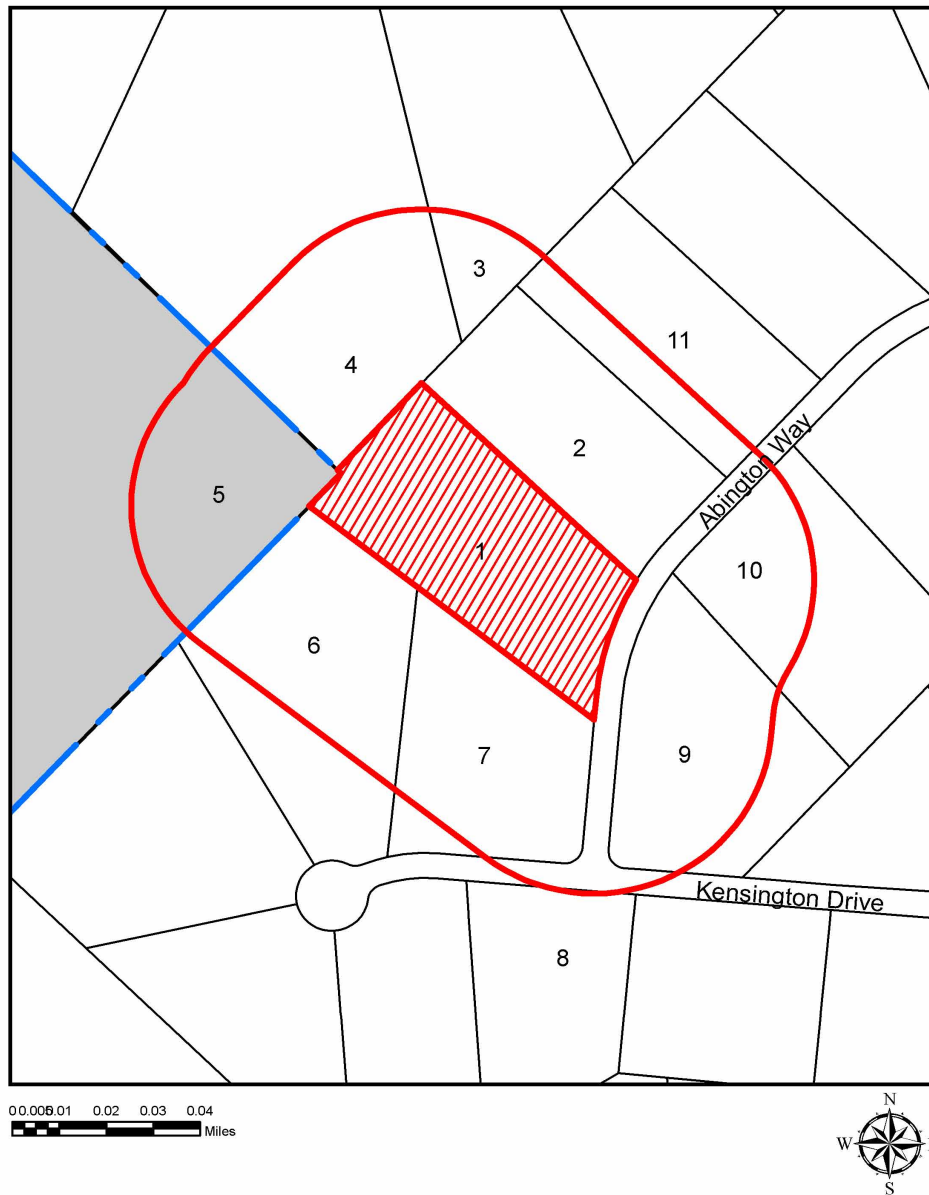
(j) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and

(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.

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City of McLendon-Chisholm
Property ID: 90182
200' Notification Map



Property ID: 90182 – 200' Notification

1. Lourdes Kemp-Baker and Michael A Baker
804 Abington Way
McLendon-Chisholm, Texas 75032
2. Paula J and James W Giles Jr
808 Abington Way
McLendon-Chisholm, Texas 75032
3. Matthew A and Shala D Clucas
54 Windsor
McLendon-Chisholm, Texas 75032
4. Derek V and Kara Mason
50 Windsor
McLendon-Chisholm, Texas 75032
5. Lakeshore Assembly of God Inc
5575 S State Highway 205
Rockwall, Texas 75032
6. Kristina R and Christopher R Marshall
787 Kensington Drive
McLendon-Chisholm, Texas 75032
7. Kenslo K and Mimi Idicula
783 Kensington Drive
Rockwall, Texas 75032
8. Brandon and Alyssa Metcalf
780 Kensington Drive
Rockwall, Texas 75032
9. Jerry D Smith
805 Abington Way
McLendon-Chisholm, Texas 75032
10. Gary and Linda Garrett
809 Abington Way
McLendon-Chisholm, Texas 75032
11. Mark P and Kathy L Southall
PO Box 2214
Rockwall, Texas 75087



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

DATE OF APPLICATION 042722 CASE # _____

NAME OF APPLICANT Carlos & Alicia Rojas

ADDRESS 1142 Hidden Lakes way PHONE NO. 214-502-6517

Rakwall, TX 75087 BUSINESS PHONE NO. N/A

DESCRIPTION OF PROPERTY LOT NUMBER 8533 BLOCK NUMBER _____
CAD ID

LEGAL DESCRIPTION OF PROPERTY: _____

ADDRESS OF PROPERTY: _____

REASON FOR REQUEST: We are requesting a variance for
zoning code that requires a minimum lot
frontage of 300 feet adjacent to a public street.
We will have an ^{access} easement off Pheasant Hill.
This is the only point of entry to our lot.
Once inside property it is 2.97 acres and significantly
more than 300 ft frontage.

SIGNATURE OF APPLICANT Alicia Rojas

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: 042722

RECEIPT #: 629013

CHECK # 2399

FOR CITY USE ONLY

DATE AND TIME OF MEETING SCHEDULED _____

REQUEST FOR VARIANCE GRANTED/DENIED.

IF DENIED, REASON: _____

NO CONSULTING FEES PAID

Updated 10/09/2017 Board of Adjustments - Application

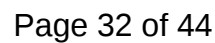


Figure 1
Concept
Only
image



Figure 2
Street
View



Figure 3
Draft







BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: May 6, 2022

APPLICANT: Carlos and Alicia Rojas
1142 Hidden Lakes Way
Rockwall, Texas 75087

LOCATION: 2.97 acres of land identified as a portion of Rockwall CAD Property ID 58533
Northeast of 322 Pheasant Hill Drive, McLendon-Chisholm.

BOARD OF ADJUSTMENT MEETING – May 11, 2022

REQUEST:

The applicant is requesting a variance to Section 4-3 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 0.0 feet, a reduction of 300 feet.

PROPERTY OWNER: Jerry B. and Sherry Packer [Easement land]
322 Pheasant Hill Drive
Rockwall, Texas 75032

QC Partners Limited, LP [Proposed residential lot]
2311 Dowell Road
Rockwall, Texas 75032

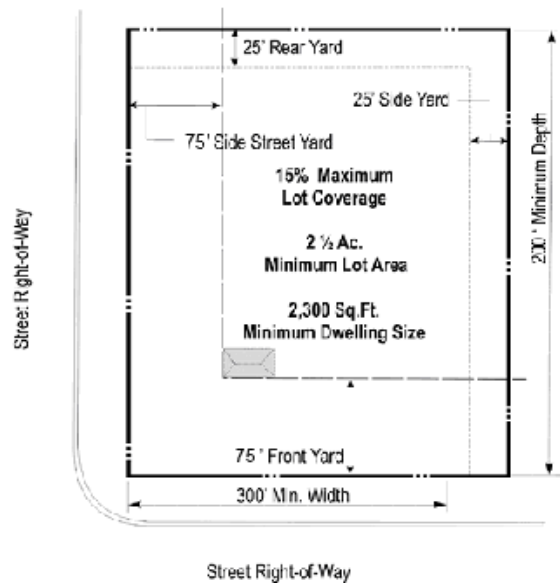
REPRESENTATIVE: Carlos and Alicia Rojas

STAFF RECOMMENDATION: Approval subject to the following conditions:

- Prepare a 50 foot access and utility easement on Lot 27, Block A, Quail Creek, Phase 2, McLendon-Chisholm, Rockwall County, Texas that connects Pheasant Hill Drive to the subject property; following review and approval by city staff, record the easement with the Rockwall County Clerk and Recorder and provide a copy of the recorded document for submittal with an application to plat a 2.97 acre portion of Rockwall CAD ID# 58533 as shown on the attached survey attached to this request.
- Apply for a final plat for 2.97 acres of land as shown on the attached survey performed by H.D. Fetty, Land Surveyor, LLC. Dated April 11, 2022.

Zoning:

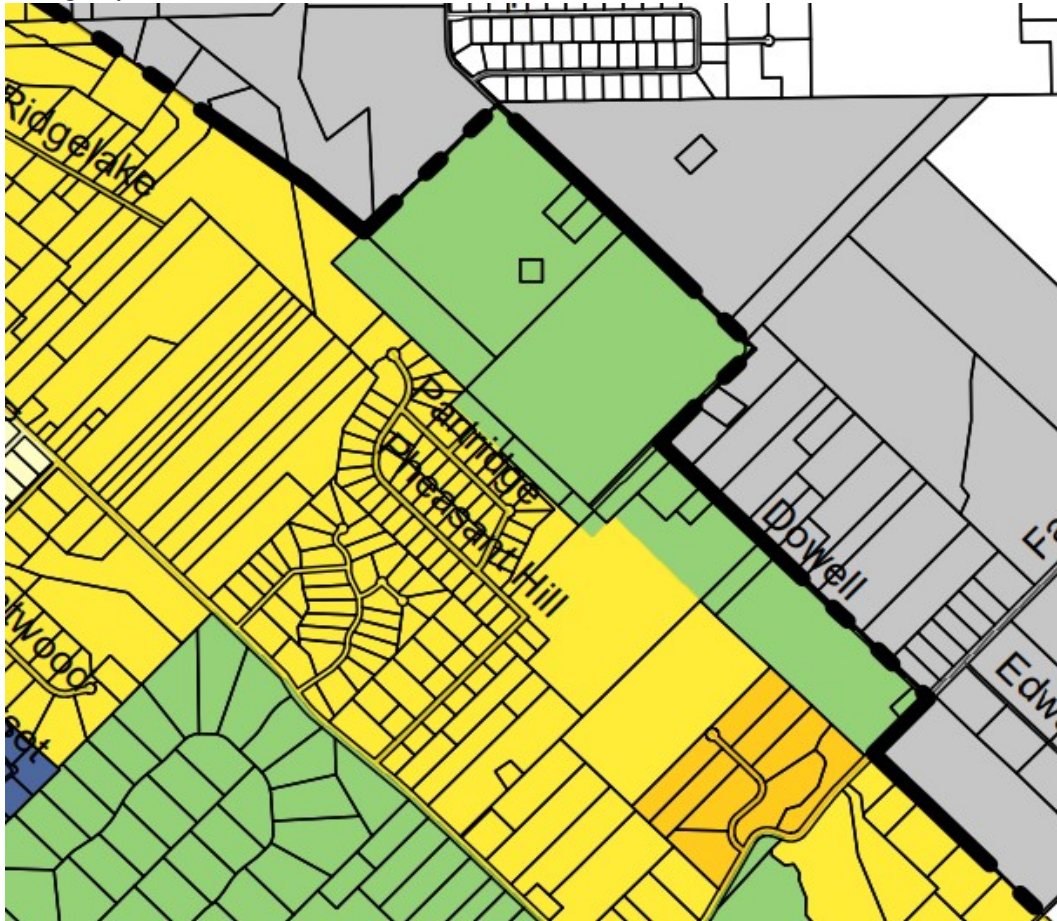
The zoning envelope for the Agriculture zoning district is shown in the graphic below.



The Ag-Agriculture zoning district requires a minimum residential lot size of 2.5 acres of land and minimum lot frontage of 300 feet adjacent to the street right of way. The proposed residential lot contains 2.97 acres of land and has the required width and depth, but not the required street frontage.

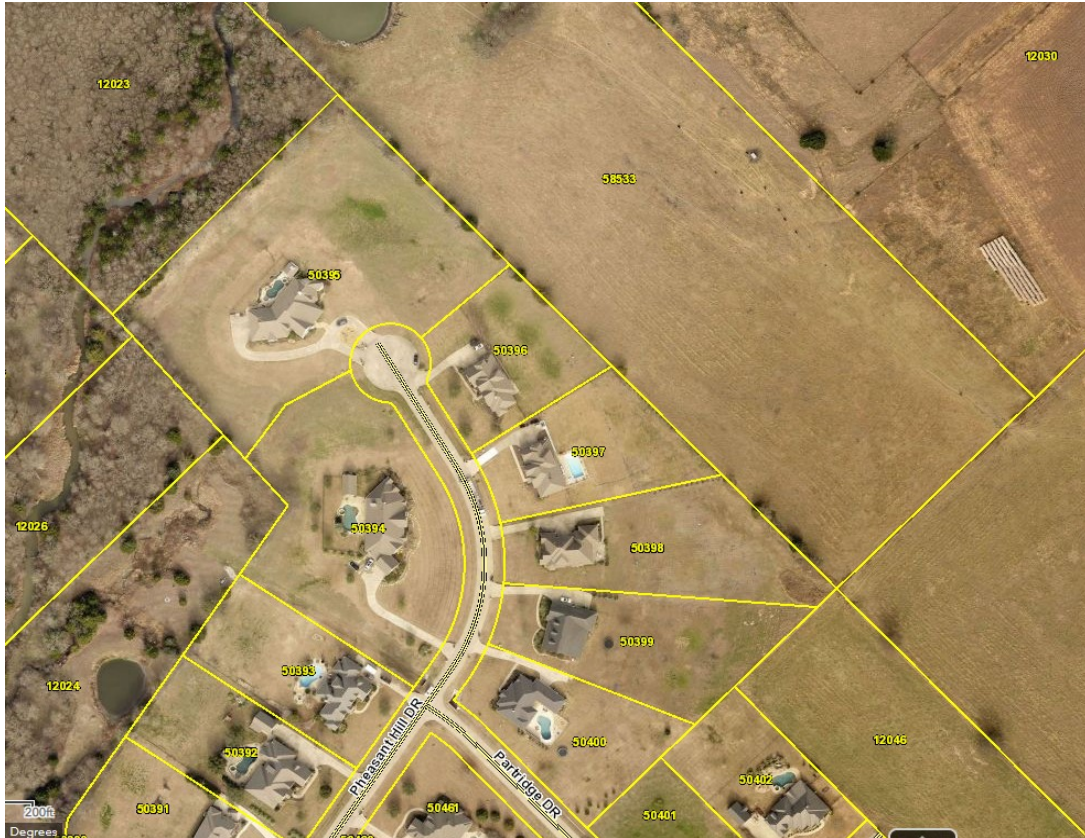
This area intentionally left blank

Zoning map:



This area intentionally left blank

Rockwall CAD map



This area intentionally left blank

Thoroughfares/streets:

Pheasant Hill Drive is a dedicated public street per the approved subdivision plat for the Quail Creek Subdivision.

Powers of the Board:

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.

Notification:



Property ID: 58533 – 200' Notification

1. Q C Partners Limited LP
2311 Dowell Road
Rockwall, Texas 75032
2. Gussie Mae Gaines

1868 Dowell Road
Rockwall, Texas 75032

3. City of Rockwall
205 West Rusk Street
Rockwall, Texas 75032
4. City of Rockwall
205 West Rusk Street
Rockwall, Texas 75032
5. Jerry G and Sherry K Packer
322 Pheasant Hill Road
Rockwall, Texas 75032
6. Charles Cook I
311 Pheasant Hill Road
Rockwall, Texas 75032
7. Lana and Richard Audilet
305 Pheasant Hill Road
Rockwall, Texas 75032
8. Michael and Ghinica S Barker
299 Pheasant Hill Road
Rockwall, Texas 75032
9. Donald and Christy Barlett
293 Pheasant Hill Road
Rockwall, Texas 75032
10. Q C Partners Limited LP
2311 Dowell Road
Rockwall, Texas 75032
11. Q C Partners Limited LP
2311 Dowell Road
Rockwall, Texas 75032

Notification Map:



City of McLendon-Chisholm
Property ID: 58533
200' Notification Map

