



**AGENDA
BOARD OF ADJUSTMENT
THURSDAY, JUNE 9, 2022
1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032
7:00 PM**

NOTICE OF VIDEOCONFERENCE CALL PURSUANT TO TEX. GOV'T CODE 551.127. THE MEETING WILL BE OPEN TO REMOTE PARTICIPATION BY A MEMBER(S) OF THE BOARD BY VIDEOCONFERENCE CALL, IN COMPLIANCE WITH THE PROVISIONS OF THE TEXAS OPEN MEETINGS ACT. THE INTENT IS FOR A QUORUM OF THE BOARD TO BE PHYSICALLY PRESENT AT THE MEETING LOCATION AT 1371 WEST FM 550, McLENDON-CHISHOLM, TEXAS.

A MEMBER OF THE BOARD MAY PARTICIPATE REMOTELY IN THIS MEETING OF THE BOARD OF ADJUSTMENT OF THE CITY OF McLENDON-CHISHOLM BY MEANS OF A VIDEOCONFERENCE CALL WITH VIDEO AND AUDIO FEED OF THE MEMBER'S PARTICIPATION, AS APPLICABLE, TO BE BROADCAST LIVE AT THE MEETING. GOV'T CODE 551.127 (a-1)

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 - 17

- 4.1. May 11, 2022 Regular Board of Adjustment Meeting
[05.11.22](#)

5. ITEMS FOR CONSIDERATION

- 18 - 31 5.1. Consider the application of Carlos & Alicia Rojas requesting a variance to the 300 feet frontage adjacent to a public street.
[Rojas 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 City Council of McLendon-Chisholm, Texas was posted or before 5:00 p.m., June 3, 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
May 11, 2022

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

Members Absent: Christian Giadolor, Board Member

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 7:01 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

None

4. APPROVAL OF MINUTES

4.1. November 22, 2021 Regular Board of Adjustment Meeting

MOTION: APPROVE THE MINUTES OF NOVEMBER 22, 2021 AS PRESENTED.

MADE BY: Board Member Nickel
SECONDED BY: Board Member Harker
APPROVAL: Unanimous by Members Present

MOTION: APPROVE THE MINUTES OF APRIL 13, 2022 AS PRESENTED

MADE BY: Board Member Osario
SECONDED BY: Board Member Nickel
APPROVAL: Unanimous by Members Present

5. ITEMS FOR CONSIDERATION

- 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 1,171 square feet.

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

City Planner Mike Coker presented his report:

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

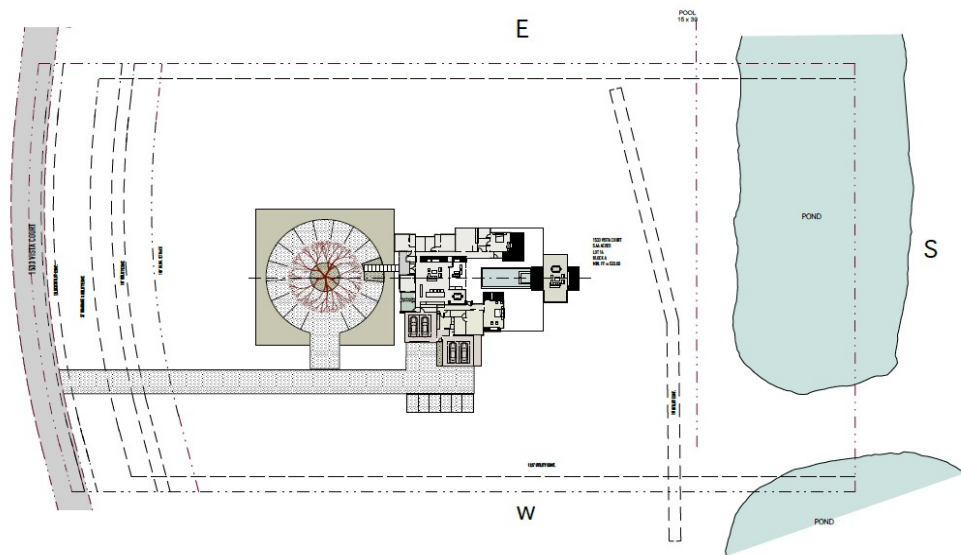
REPRESENTATIVE: Perry Bowen

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



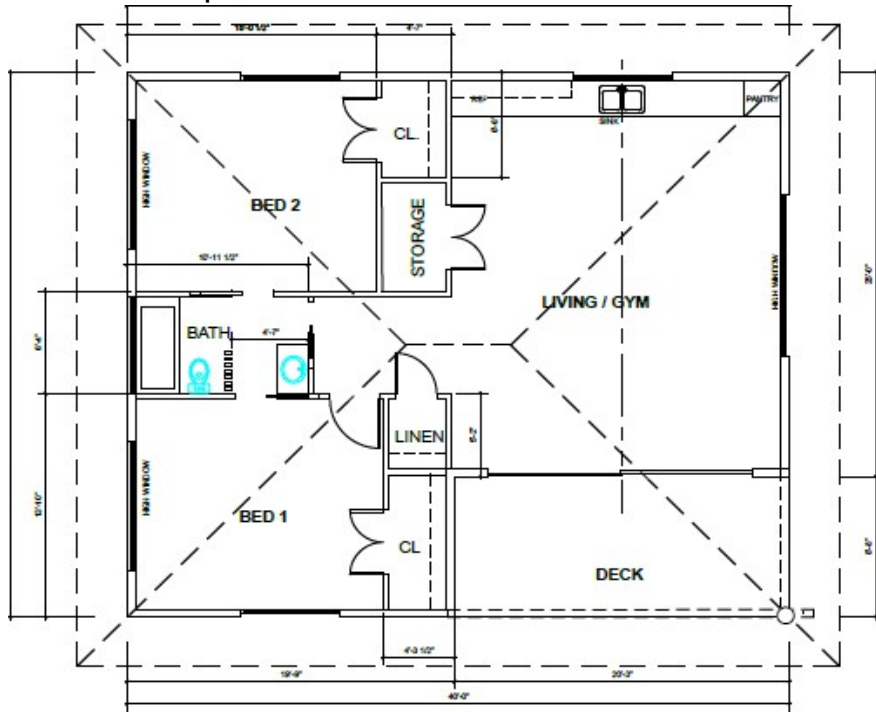
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May 11, 2022 - Board of Adjustment Minutes

May 11, 2022 - Board of Adjustment Minutes



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.

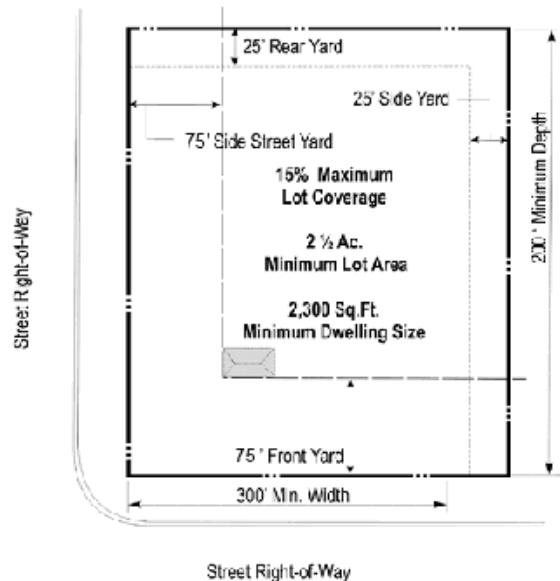
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Zoning:

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.

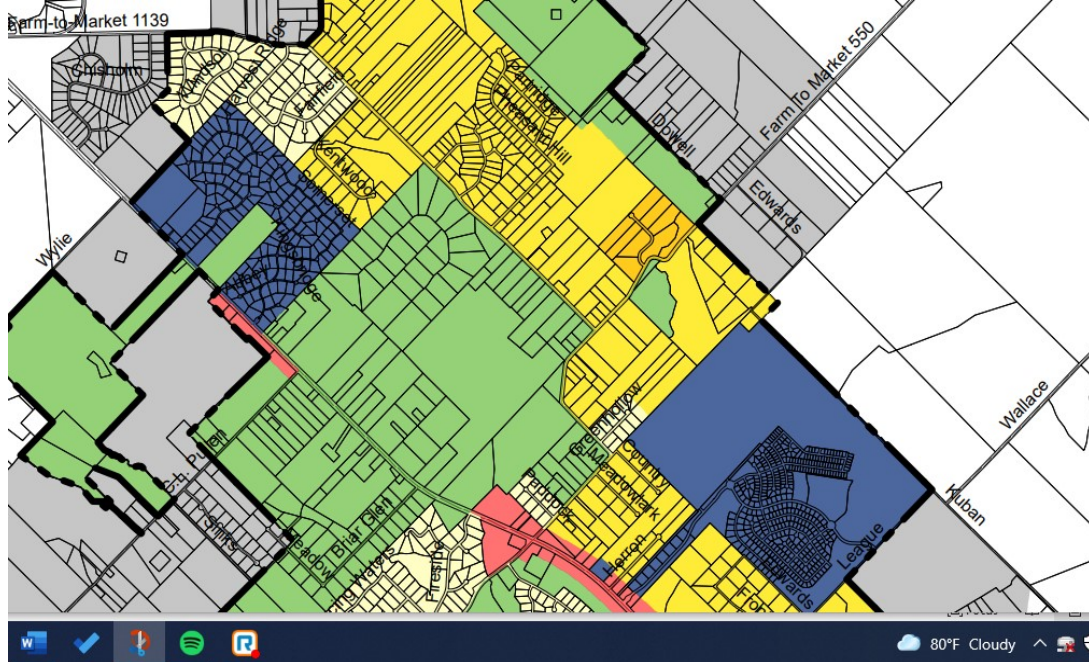
The subject property is Lot 14, Mira Vista Addition and is identified by Rockwall CAD as PID # 89038. The subject lot contains 5.4430 acres of land and satisfies the minimum lot size, depth, width and street frontage requirements.



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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May 11, 2022 - Board of Adjustment Minutes

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.

MOTION: APPROVE THE REQUESTED VARIANCES WITH THE CONDITION THAT THE PROPRETY WILL NEVER BE SUBDIVIDED AND SOLD OFF.

MADE BY: Board Member Nickel
SECONDED: Board Member Cross
APPROVAL: Unanimous by Members Present

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.

City Planner Coker presented his staff report:

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 applicants 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.

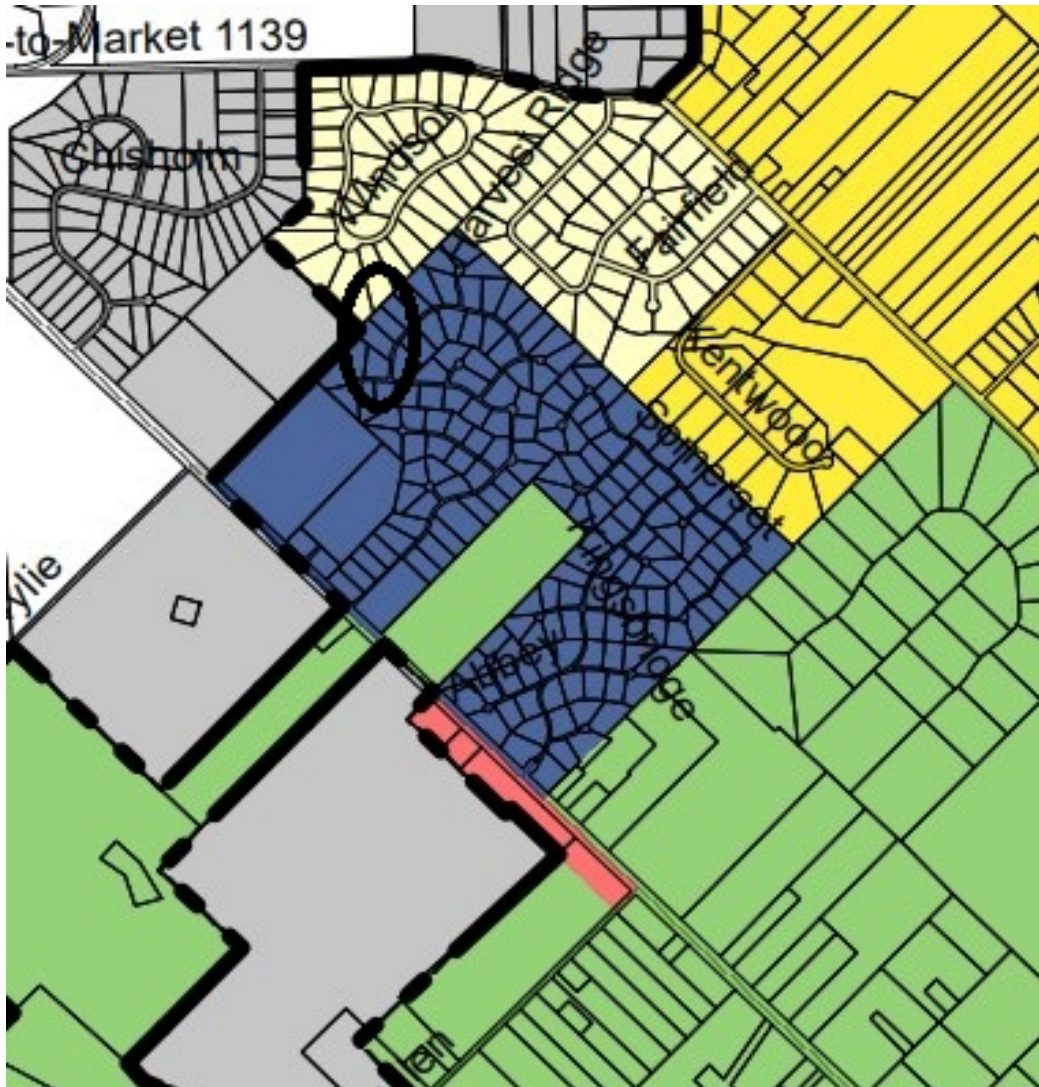
City staff believes this application satisfies the standards required of the Board for the granting of a variance.

[illegible]

The zoning district for the subject proposed new residential property is “The Kingsbridge/Kensington Planned Development District. The Planned Development District requires a minimum 25-foot side yard setback

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Zoning map:



May 11, 2022 - Board of Adjustment Minutes

Rockwall CAD map



May 11, 2022 - Board of Adjustment Minutes

Thoroughfares/streets:

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

**MOTION: APPROVE THE VARIANCE TO REDUCE THE REQUIRED 25-FOOT
SIDE YARD TO 15-FEET.**

MADE BY: Board Member Nickel
SECONDED BY: Board Member Harker
APPROVAL: Unanimous by Members Present

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

**BEVERLY STIBBENS, BOARD CHAIR, AND HERB HARKER, BOARD MEMBER,
RECUSED THEMSELVES FROM THIS ITEM.**

**THIS ITEM COULD NOT BE HEARD DUE TO A LACK OF QUORUM AND WILL BE
RESCHEDULED.**

6. ADJOURN

There being no further business to discuss, Chairperson Stibbens adjourned the meeting at 7:29 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 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

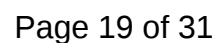


Figure 1
Concept
Only
image



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

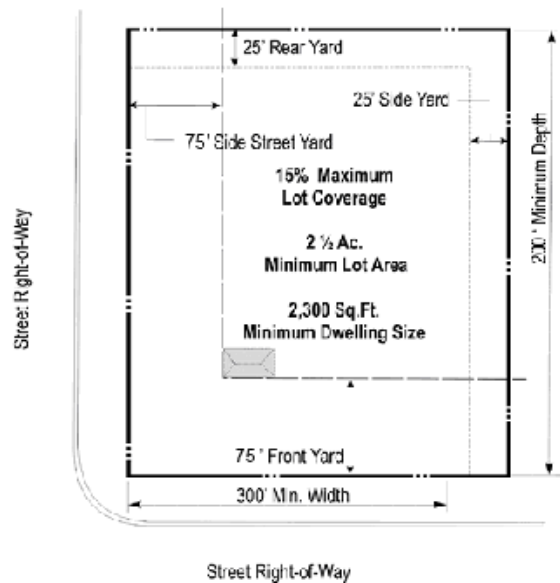
REPRESENTATIVE: Carlos and Alicia Rojas

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:

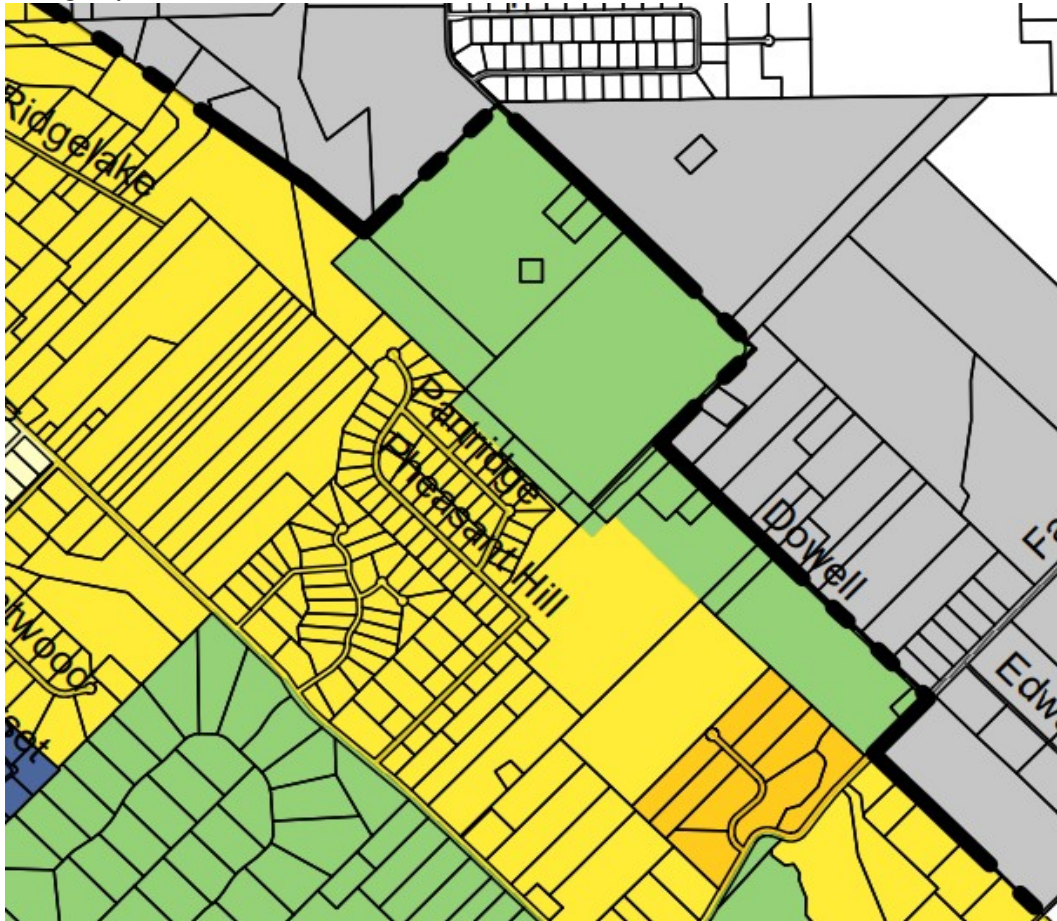
The zoning envelope for the Agriculture zoning district is shown in the graphic below.



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.

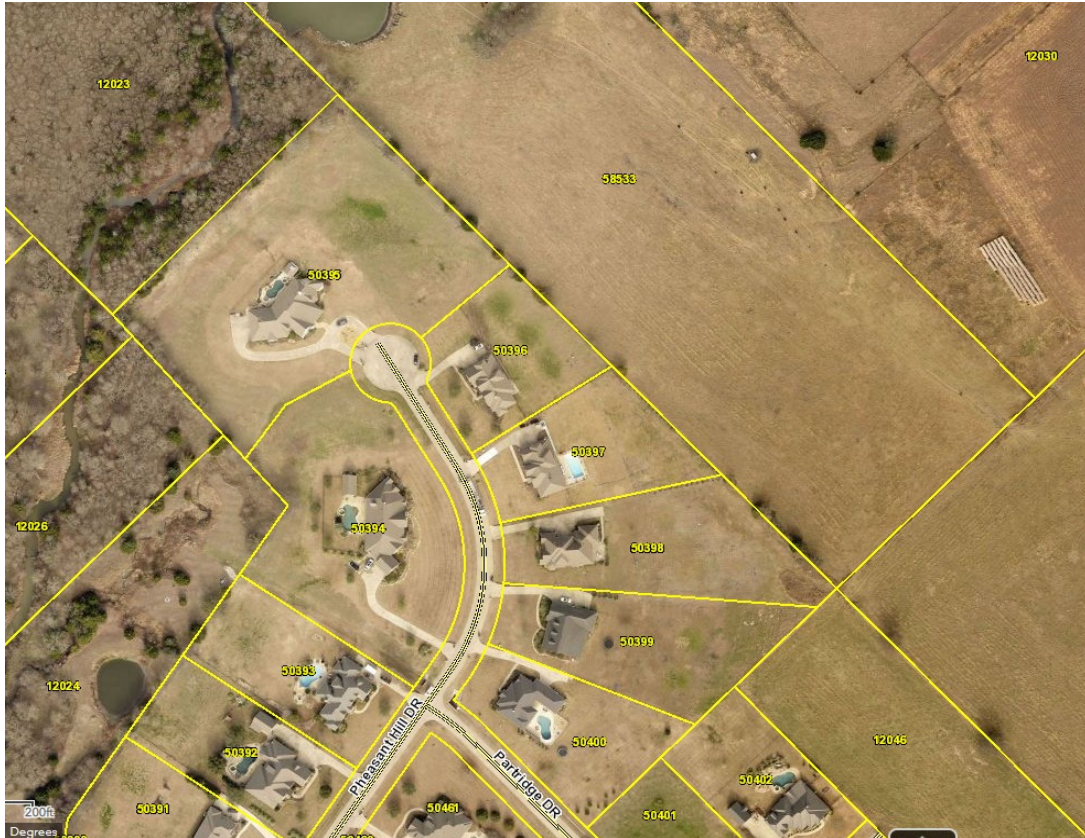
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Zoning map:



This area intentionally left blank

Rockwall CAD map



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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

