



**AGENDA
BOARD OF ADJUSTMENT
WEDNESDAY, JULY 12, 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. PUBLIC HEARING

3 - 5

- 4.1. A public hearing to consider the request of Scott Evans (applicant/owner) requesting two variances to Section 4-1 of the City of McLendon-Chisholm Zoning Ordinance which requires lot frontage of 300 feet adjacent to the public way. The request is to reduce the required 300 feet of frontage to 116.08 feet, a reduction of 183.92 feet. Additionally, the applicant is requesting a variance to the required lot width. The minimum lot width required in the SF 2.5 Zoning District is 300 feet. The lot width requested is 116.395 feet, a reduction in the required width of 183.604 feet.

[Application](#)

5. ITEMS FOR CONSIDERATION AND ACTION

6 - 17

- 5.1. Discussion and action regarding the request of Scott Evans (applicant/owner) requesting two variances to Section 4-1 of the City of McLendon-Chisholm Zoning Ordinance which require lot frontage of 300 feet adjacent to the public way. The request is to reduce the required 300 feet of frontage to 116.08 feet, a reduction of 183.92 feet. Additionally, the applicant is requesting a variance to the required lot width. The minimum lot width required in the SF 2.5 Zoning District is 300 feet. The lot width

requested is 116.395 feet, a reduction in the required width of 183.605 feet.

[Application](#)
[Staff Report](#)

18 - 23

- 5.2. Discussion and action regarding the request of Misti Nicholson (applicant/owner) for approval of an amendment to the Board of Adjustment approved site plan from the July 8, 2022 Board of Adjustment Hearing where the applicant requested a number of variance to the requirements of the code due to the acquisition of a portion of her property by the Texas Department of Transportation for the widening of SH 205 and the Board of Adjustment approved the requested variances subject to compliance with the attached site plan.

[Application](#)
[Staff Report](#)

6. ADJOURN

I, Rochelle Green, do hereby certify that the above Notice of Meeting of the Board of Adjustment of McLendon-Chisholm, Texas was posted on or before 5:00 p.m., July 7, 2023, on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



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

DATE OF APPLICATION 6/6/23 CASE # _____

NAME OF APPLICANT Scott Evans - Sandra

ADDRESS 104 W Jones PHONE NO. 214-724-2450

Terrell TX 75160 BUSINESS PHONE NO. 214-724-2450

DESCRIPTION OF PROPERTY LOT NUMBER _____ BLOCK NUMBER _____

LEGAL DESCRIPTION OF PROPERTY: A0166 J C Newell, Tract 2,
Acres 7

ADDRESS OF PROPERTY: 1831 Fm 1139 Rockwall TX 75032

REASON FOR REQUEST: _____

- Required street frontage reduced from 300 linear feet
to 116 linear feet.

- Reduction in the required width of the lot from
300 feet to 116 feet.

SIGNATURE OF APPLICANT [Signature]

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. _____

Updated 10/09/2017 Board of Adjustments - Application

Names + Address' of property owners Attached on page 2

1/2

Property Owners and address within 200 ft of property.

Demetria Carter

1804 Kentwood Circle

Rockwall, TX 75032

Christopher Jenkins and Younvanich Saronya

1810 Kentwood Circle

Rockwall, TX 75032

Melissa Alt

Mailing address: 609 Life Spring Dr

Rockwall, TX 75087

Daniel Middleton

1771 FM 1139

Rockwall, TX 75032

2/2



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Rockwall, TX 75032

2/2



BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: June 16, 2023

APPLICANT: Scott Evans

LOCATION: Rockwall CAD Property ID # 12015 located on the northeast side of FM 1139 southwest of Kentwood Drive, McLendon-Chisholm, Texas

BOARD OF ADJUSTMENT MEETING – July 12, 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 116.08 feet, a reduction of 183.92 feet. Additionally, the applicant is requesting a variance to the required lot width. The minimum lot width required in the SF 2.5 Zoning District is 300 feet. The lot width requested is 116.395 feet, a reduction in the required width of 183.605 feet.

PROPERTY OWNER: Scott and Sandra Evans
104 W. Jones Street
Terrell, Texas 75160

REPRESENTATIVE: Scott Evans

STAFF RECOMMENDATION: Approval of both requests.

Both requests meet the standards required to approve the variances.

BACKGROUND INFORMATION:

The objective of the request is to create a building site.

The subject property is a seven-acre tract of land located FM 1139. [Rockwall CAD Nos. 12015] This is an unplatted tract of land in AO166 JC Newell Survey.

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 plan. Therefore, the staff is not recommending that the subject property be platted.

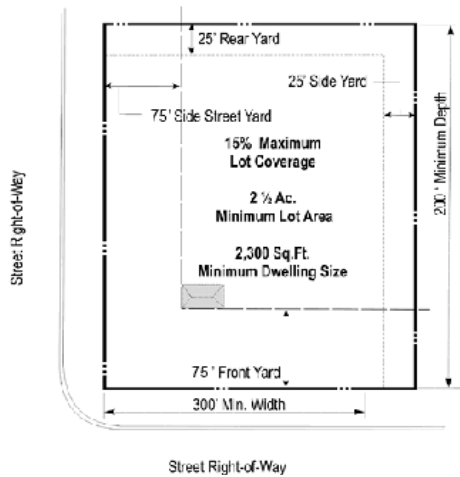
The SF 2.5 zoning district requires a minimum frontage adjacent to the street right of way of 300 feet. [See the graphic below].

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 116.08 feet and the rear lot line is 116.71 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 116.395 feet of lot width.

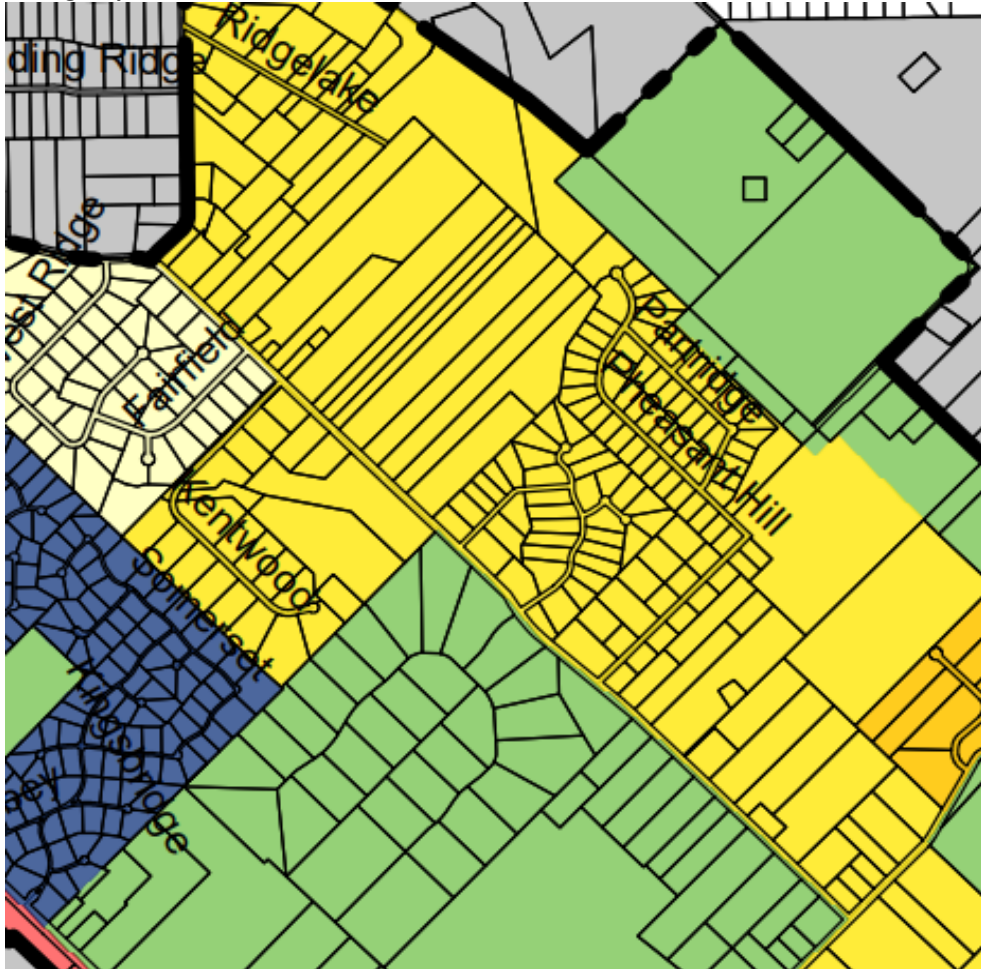
Zoning:

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



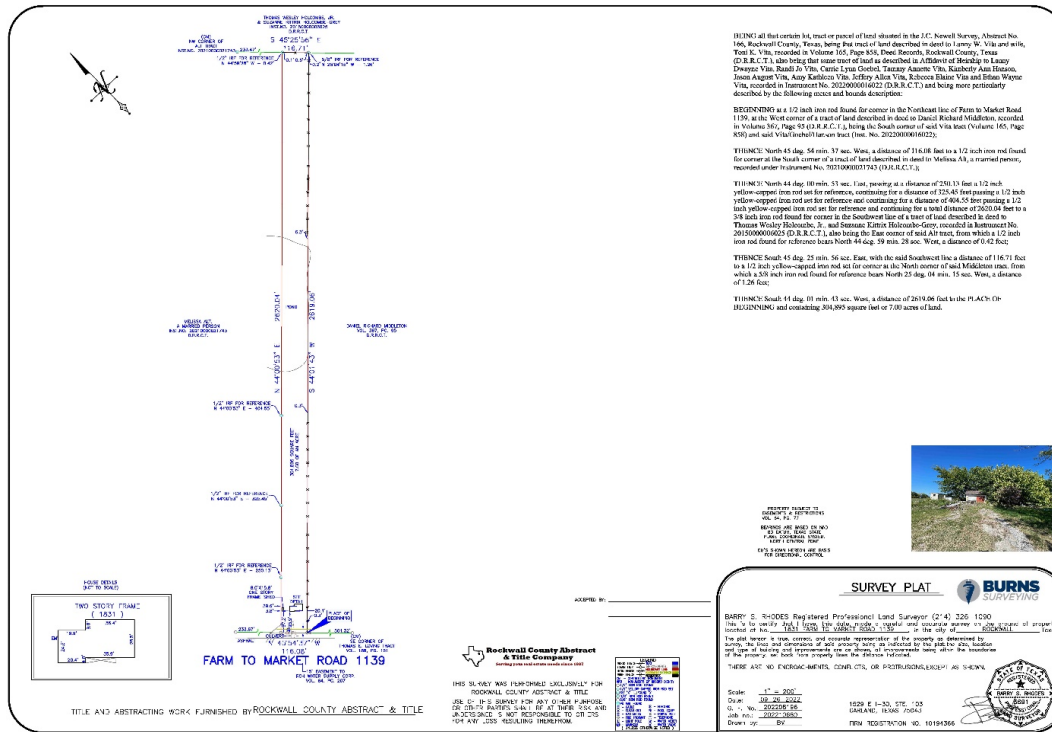
SF2.5 - Zoning District Area Requirements	
Minimum Lot Area	2 1/2 Acres
Minimum Lot Width	300 ft.
Minimum Lot Depth	200 ft.
Minimum Front Yard	75 ft.
Minimum Side Yard	25 ft. Interior 75 ft. Street
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building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

Zoning map:



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Subject property survey



BEING all that certain 3/4 tract or part of land situated in the 1/4, Newell Survey, Abstract No. 106, Rockwall County, Texas, being part of land described in deed to James W. Voss and wife, Tom K. Voss, recorded in Volume 165, Page 856, Deed Records, Rockwall County, Texas (D.B.R.C.T.) also being that same tract of land as described in Abstract of Records to Lancy Dewey Voss, Book 20 Voss, Cecil Lynn Correll, Tamey Annette Voss, Kimberly Ann Houston, Jason August Voss, Amy Kathleen Voss, Jeffrey Allen Voss, Richard Elaine Voss and Edwin Wayne Voss, recorded in Instrument No. 2022000016022 (D.B.R.C.T.) and being more particularly described by the following corner and bounds description:

BEING that a 1/2 inch iron rod found for corner to the Northeast line of Farm to Market Road 1139 at the West corner of a tract of land described in deed to Daniel Richard McMillen, recorded in Volume 161, Page 45 (D.B.R.C.T.) being the South corner of said Voss tract (Volume 165, Page 856) and said Voss/Vinshoff parcel tract (Inst. No. 2022000016022).

THENCE North 43 deg. 54 min. 33 sec. West, a distance of 116.08 feet to a 1/2 inch iron rod found for corner at the South corner of a tract of land described in deed to Melissa A.J., a married partner, recorded under instrument No. 2021000001743 (D.B.R.C.T.).

THENCE North 44 deg. 10 min. 53 sec. East, bearing at a distance of 240.13 feet a 1/2 inch yellow-copper iron rod set for reference and containing for a distance of 200.45 feet bearing a 1/2 inch yellow-copper iron rod set for reference and containing for a distance of 202.04 feet to a 3/8 inch iron rod found for corner to the Southeast line of a tract of land described in deed to Thomas Wesley Robinson, Jr. and Suzanne Fannie Robinson-Gary, recorded in Instrument No. 20150000016022 (D.B.R.C.T.), also being the East corner of said A.H. tract, from which a 1/2 inch iron rod found for reference bears North 44 deg. 39 min. 28 sec. West, a distance of 0.42 feet.

THENCE South 45 deg. 29 min. 56 sec. East, with the said Southeast line a distance of 116.71 feet to a 1/2 inch yellow-copper iron rod set for corner at the North corner of said McMillen tract, from which a 3/8 inch iron rod found for reference bears North 25 deg. 04 min. 15 sec. West, a distance of 2.26 feet.

THENCE South 44 deg. 03 min. 43 sec. West, a distance of 283.06 feet to the PLANCH DE LUGENINUM and containing 304,895 square feet of 7.00 acres of land.



SURVEY PLAT

BARRY S. RHODES Registered Professional Land Surveyor (214) 226 1000
 This is to certify that the above described plat was prepared by me or under my direct supervision and control and that I am a duly licensed and qualified surveyor in the State of Texas.
 I, the said surveyor, am the creator and original preparer of the plat and I am not responsible for any errors or omissions of any party other than myself in the preparation of this plat and I am not responsible for any errors or omissions of any party other than myself in the preparation of this plat.

Scale: 1" = 200'
 Date: 08/24/2024
 S. No. 20220016022
 Job No. 2022-0016022
 Drawn by: BY FERN REGISTRATION NO. 10194266

1020 E. 43rd, Ste. 103
 Garland, Texas 75042

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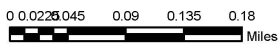
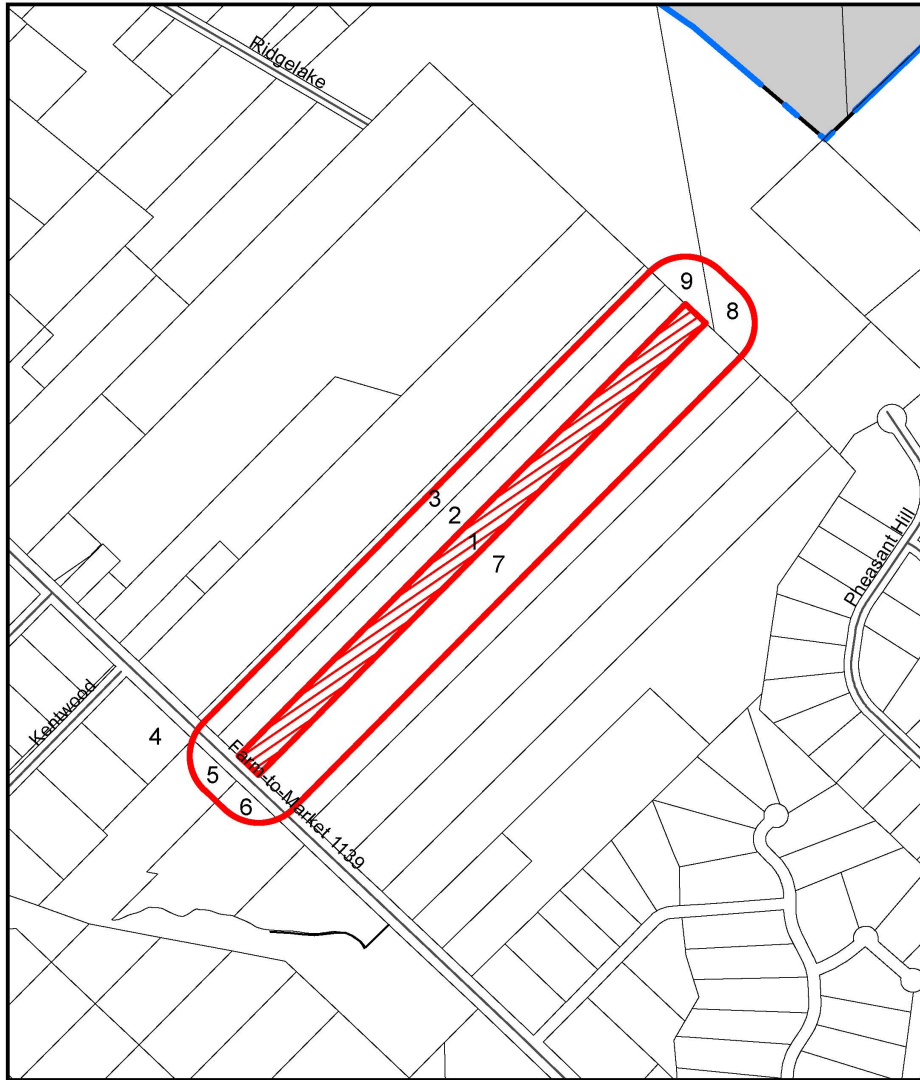
Subject property aerial outlined in red



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City of McLendon-Chisholm Property ID: 12015 200' Notification Map





Property ID: 12015 – 200' Notification

1. EVANS SCOTT AND SANDRA (1117393)
104 W Jones St
Terrell TX 75160-2107
2. ALT MELISSA (1108860)
609 LIFE SPRING DR
ROCKWALL TX 75087
3. ALT MELISSA (1108860)
609 LIFE SPRING DR
ROCKWALL TX 75087
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. MIDDLETON DANIEL RICHARD (11822)
1771 FM 1139
ROCKWALL TX 75032-7155
8. CITY OF ROCKWALL (10552)
205 W RUSK ST
ROCKWALL TX 75087-3633
9. 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 variations 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 variations 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 6.26.2023 CASE # _____

NAME OF APPLICANT Misti Nicholson / Nicholson Premier Realty

ADDRESS 1400 S. State Hwy 205 PHONE NO. 817-825-1617

McLendon-Chisholm, Tx BUSINESS PHONE NO. 972-885-7356

DESCRIPTION OF PROPERTY LOT NUMBER _____ BLOCK NUMBER _____

LEGAL DESCRIPTION OF PROPERTY: King Latham Surv Abs #133
tract 49, .73 acres

ADDRESS OF PROPERTY: 1400 S State Hwy 205

REASON FOR REQUEST: Remove fence from site plan.

Neighbor, Gary Moody requested we remove the wood fence after we closed on the property. He wanted to donate the wood. I would not remove a fence to put up a new fence. Attached are picture of before + after. Gary's friend removed the wood.

My concrete guy removed the post. I spent \$400 to have the concrete post removed.

SIGNATURE OF APPLICANT M Nicholson

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, _____





ZONING BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: July 5, 2023

APPLICANT: Misti Nicholson
1400 SH 205
McLendon-Chisholm, Texas

LOCATION: 1400 S. SH 205, McLendon-Chisholm, Texas [Rockwall CAD ID#11423]

ZONING BOARD OF ADJUSTMENT HEARING DATE: July 12, 2023

REQUEST:

The applicant is requesting approval of an amendment to the Board of Adjustment approved site plan from the July 8, 2022 Board of Adjustment Hearing where the applicant requested a number of variances to the requirements of the code due to the acquisition of a portion of her property by the Texas Department of Transportation for the widening of SH 205 and the Board of Adjustment approved the requested variances subject to compliance with the attached site plan.

PROPERTY OWNERS: Misti Nicholson
1400 SH 205
McLendon-Chisholm, Texas

REPRESENTATIVE: Misti Nicholson

STAFF RECOMMENDATION: City staff recommends that the Board of Adjustment approve the requested amendment to the Board of Adjustment approved site plan by removing the fencing requirement between the subject property and the adjacent residential property to the south.

BACKGROUND INFORMATION:

The subject property is located partially in the General Business zoning district and partially in the Agricultural 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 in the area that is 350 feet from the centerline of SH 205. The remaining property [western side] is zoned AG Agriculture.

There was an eight-foot-tall wood fence surrounding the southern side of the subject property starting at the rear of the existing structure. [See the photo from the July 8, 2022 Board of Adjustment hearing-shown below]. The Board of Adjustment approved the requested variances based upon two conditions:
1. Maintaining the then existing eight-foot-tall wood fence that existed on the property line between the rear of the subject property and the single-family home that is located on the Agricultural District

property west of the portion of the lot zoned General Business. And acquire the required permits for the renovation of the existing structure. The applicant did acquire the required permits, had the construction completed and inspected by the City and is now an operating real estate office.

The applicant indicates that the adjacent property owner to the south requested that the existing eight-foot-tall fence be removed and the applicant allowed the fence to be removed. The Board approval last year was contingent on the fence remaining to separate the commercial land use from the residential land use. I have included that section of the Zoning Ordinance where required visual screening or buffering is required. A screening fence or wall is not required between uses that are zoned Agriculture.

The fence was required as a condition of approval of the variances, but otherwise was not required.

APPROVED SITE PLAN AND COLORED ELEVATIONS



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Photo of south side of building showing the adjacent residential use and the [then] existing eight-foot-tall wood fence.



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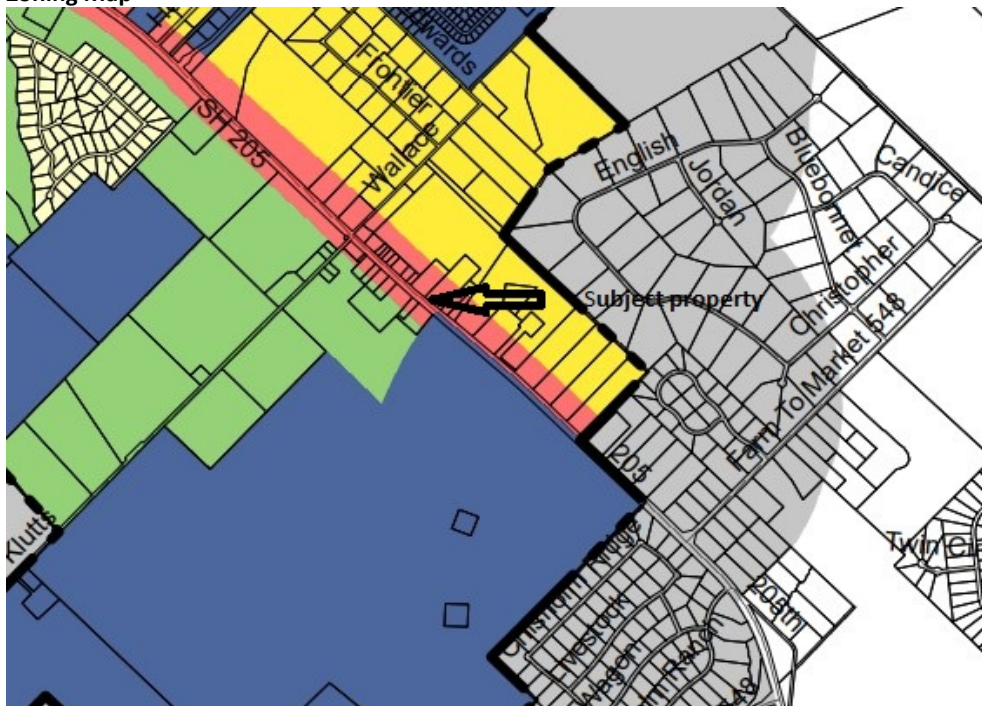
Sec. 6-8 Screening and buffer requirement

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



Rockwall CAD aerial with subject property outlined in red



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