



**AGENDA**  
**BOARD OF ADJUSTMENT**  
**WEDNESDAY, SEPTEMBER 10, 2025**  
**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. PUBLIC HEARING**

Board of Adjustment will now hold a Public Hearing to receive public comments on a variance request to the City of McLendon-Chisholm regulations for a reduction of the side yard setback for an accessory structure located at 123 Settlement Lane, Rockwall TX 75032.

**4. APPROVAL OF MINUTES**

3 - 5

4.1. [Minutes for BOA Aug 13, 2025](#)

**5. ITEMS FOR DISCUSSION**

6 - 27

5.1.

The applicant is requesting a recommendation of approval for a variance in a reduction of the side yard setback for a detached garage from 25' to 16'-2".

[Staff Report BOA Chilcote](#)  
[Application Packet](#)

**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

see confidential legal advice from the City Attorney on any agenda item herein.

I, Angela Jennings, 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, Sept 3, 2025 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



# MINUTES

## Board of Adjustment Meeting

7:00 PM - Wednesday, August 13, 2025  
1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032

The Board of Adjustment of the City of McLendon-Chisholm was called to order on Wednesday, August 13, 2025, at 7:00 PM, in the 1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032, with the following members present:

**PRESENT:**

**EXCUSED:**

### 1 CALL TO ORDER

The Meeting was called to order at 7:11 PM  
Invocation and Pledges were lead by Gary Nichols.

### 2 PUBLIC HEARING

The Board of Adjustments will conduct a public hearing and consider an access variance for the subject property located on a 3.0-acre tract of land located on the north side of SH 205 between League Rd. and FM 548 within the City limits of McLendon-Chisholm. The tract is fully zoned in the Single-Family Residential SF 2.5 district.

The applicant was the only person to speak at the Public Hearing.

### 3 APPROVAL OF MINUTES

- a) Consider approving the minutes of the BOA Dec 11, 2024 Meeting

### 4 ITEMS FOR DISCUSSION

- a) Discuss and Consider the appointment of a Chairman

**Herb Harker makes the motion to have Gary Nichols remain the Chairman of the Board**

**Melody Osorio seconds the motion**

**Motion passes unanimously**

- b) Discuss and consider the appointment of a Vice Chairman

**Melody Osorio nominates Herb Harker for co-chairman**

**Herb Harker is nominated by Melody Osorio**

**Motion to accept the nominees is made and seconded.**

**Motion passes unanimously**

**Vote is taken to appoint Melody Osorio as co-chairman (3)**

**Vote is take to appoint Herb Harker (1)**

**Melody Osorio is appointed as co-chairman 3 to1**

- c) Discuss and consider approval for a variance in Article 10.02 in the Subdivision Ordinance in Subsection 10.02.006 (12) (b), to exceed the maximum length of a dead-end street with a permanent turnaround to be 600 feet with a requested distance of 982 feet.

**Peyton Sherman, city planner gives the staff report and recommends approval of the variance.**

**There are several questions about the plans including whether the fire dept has room to turn around in the proposed drive. There were questions as to whether this was regulated by the state in any way and it was confirmed that is was not regulated.**

**Gary Nichols asked if there were other details and city planner explained that once they have the approval they will be able to submit their plat. Questions were asked if there were any other concerns from the fire marshall, and they were assured by city planner that he agreed with the recommendation of approval.**

**Mr. Nichols calls for a vote**

**Motion to approve..... made by Melody Osorio**

**Seconded by Herb Harker**

**Motion passes Unanimously**

## **5 ADJOURN**

Motion made and seconded to Adjourn.

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

I, Angela Jennings, 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., Aug 7, 2025 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.

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CAO

\_\_\_\_\_  
Mayor



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

DATE: September 10, 2025

Property owner/  
Applicant: Barry Chilcote  
123 Settlement Lane  
Rockwall, TX 75032

Location: The subject property is a 1.0-acre lot in the Heritage Planned Development District within the City limits of McLendon-Chisholm.

BOARD OF ADJUSTMENT MEETING DATE: September 10<sup>th</sup>, 2025

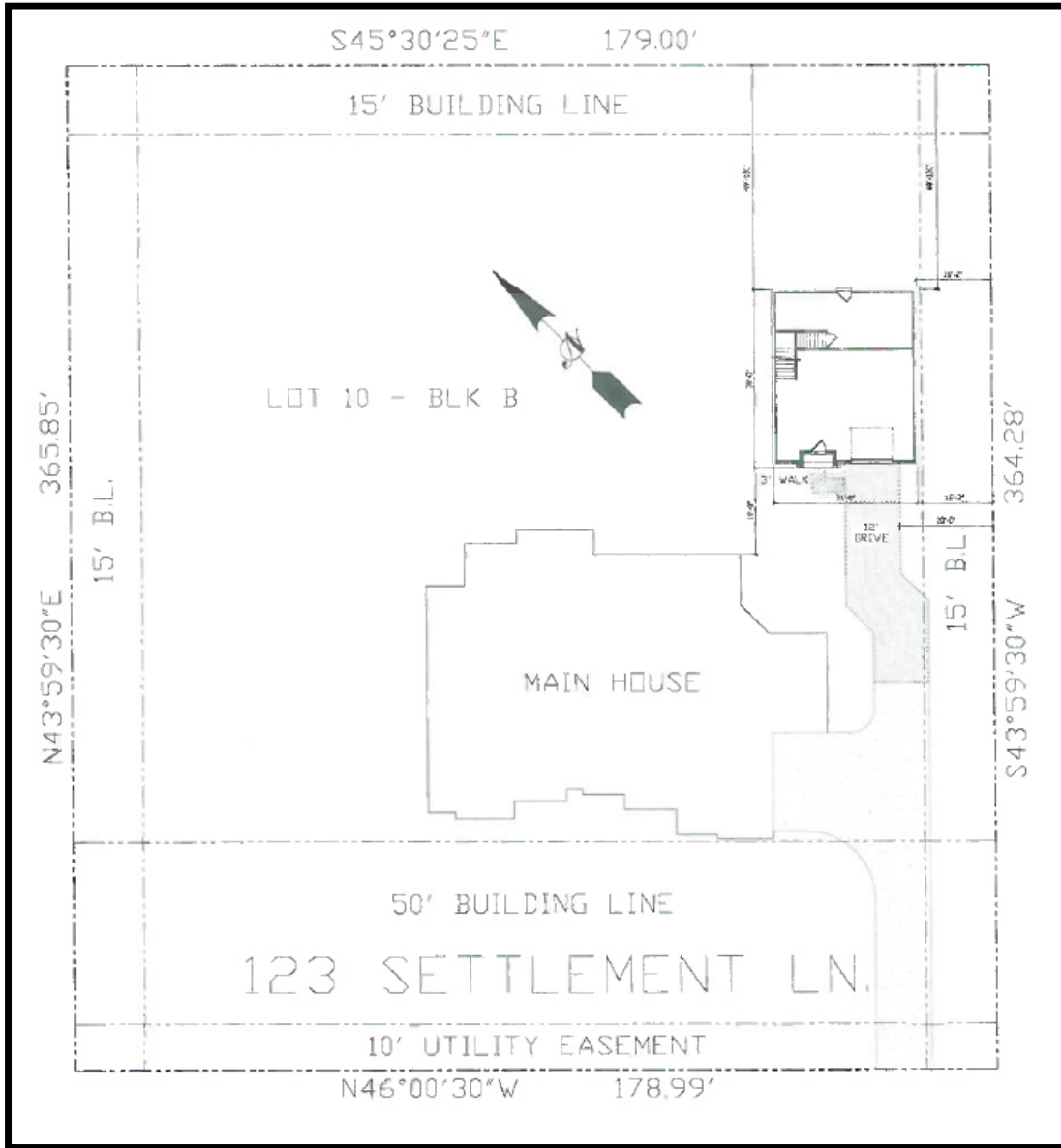
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**REQUEST:** The applicant is requesting a recommendation of approval for a variance in a reduction of the side yard setback for a detached garage from 25' to 16'-2".

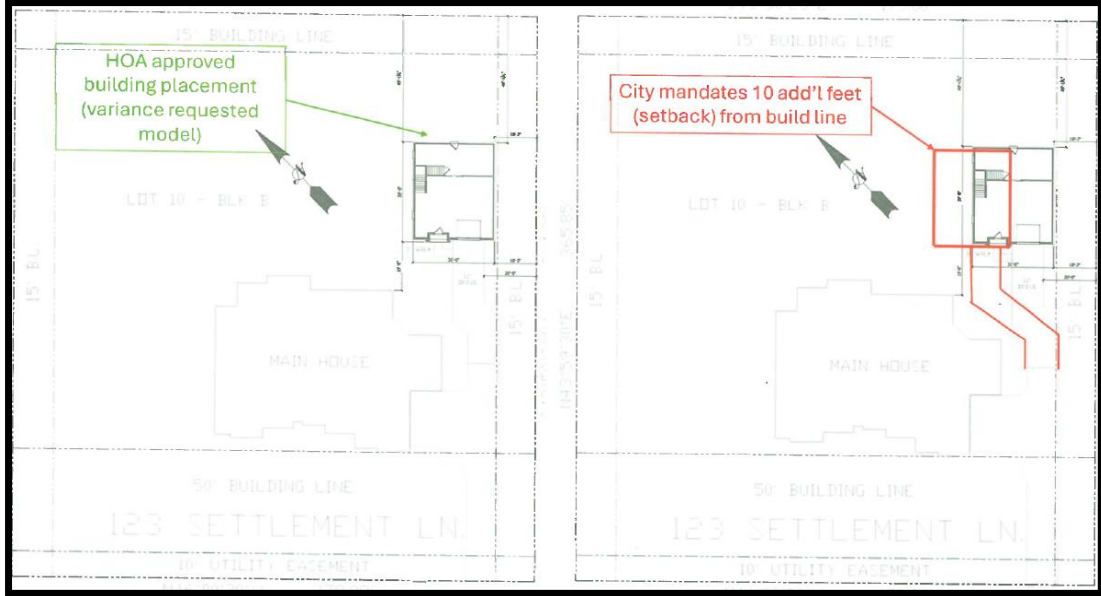
**STAFF RECOMMENDATION:** Staff recommends approval. This application complies with the City Comprehensive Plan, Future Land use plan and the McLendon-Chisholm Zoning Ordinance.

**BACKGROUND INFORMATION:** The applicant proposes to construct a detached garage at 123 Settlement Lane. Side yard setbacks for the Planned Development defer to the McLendon-Chisholm Zoning Ordinance for accessory structures. The proposed structure complies with the Heritage Planned Development District regulations.

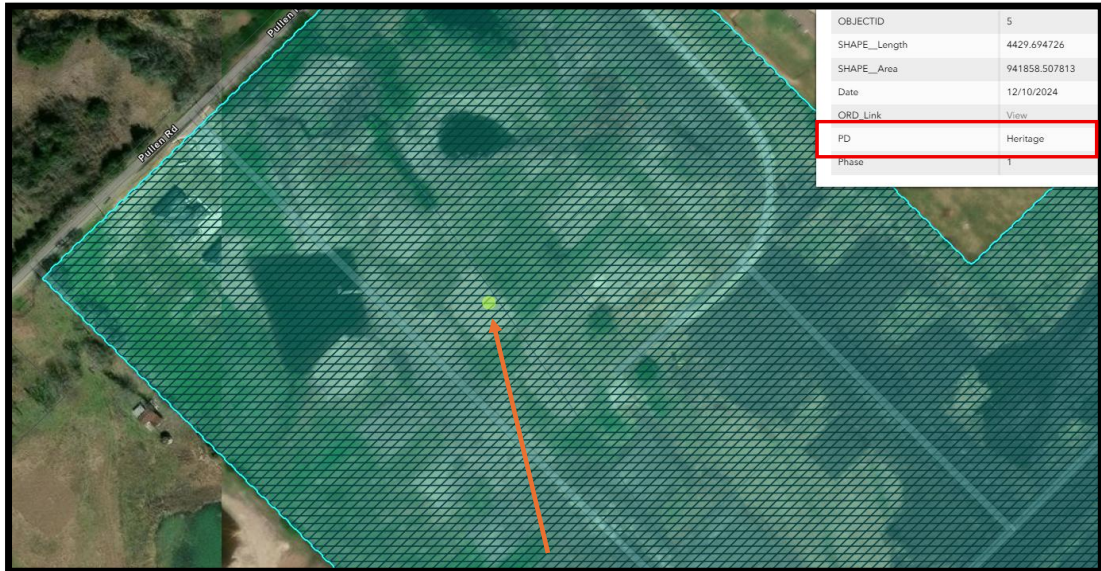
**SURVEY WITH PROPOSED STRUCTURE:**



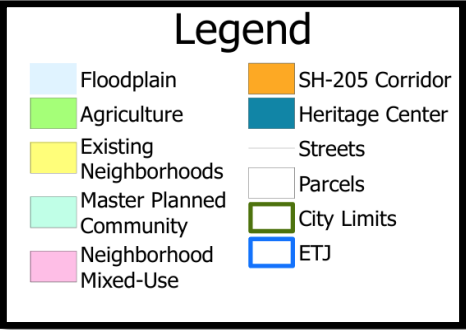
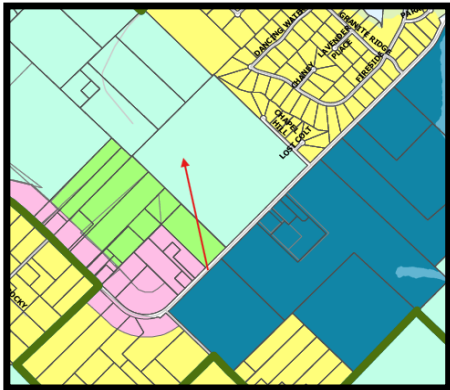
**SURVEY VARIANCE COMPARISON:**



**ZONING MAP**



**Future Land Use Plan**



**THIS AREA IS LEFT BLANK INTENTIONALLY**

**LEGAL DESCRIPTION**

**HERITAGE PHASE ONE BLK B LOT 10**

**THIS AREA LEFT BLANK INTENTIONALLY**

### **Powers and Duties of the Board of Adjustment**

The board of adjustment shall have the power and exercise the duties of a board in accordance with Texas Local Government Code Chapter 211.009(a). Board members are representatives of the city and may:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by a mayor or his/her designee in the enforcement of this ordinance;
2. Hear and decide special exceptions to the terms of the zoning ordinance; in this regard the board may grant only special exceptions that are authorized by the express terms of the ordinance;
3. Authorize in specific cases a variance from the terms of the zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;
4. Hear and decide other matters authorized by the council;
5. To consider, decide, and make provisions for the amortization of an owner's investment in nonconforming uses or structures when specifically requested by the city council; and
6. To subpoena witnesses, administer oaths and require the production of documents.



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

APPLICATION DATE: 7-24-25 CASE #: \_\_\_\_\_

APPLICANT NAME: Barry Chilcote

ADDRESS: 123 Settlement Ln. PHONE NO.: 214-288-8347

DESCRIPTION OF PROPERTY LOT NUMBER: 10 BLOCK NUMBER: B

LEGAL DESCRIPTION OF PROPERTY: Heritage Phase One Blk B Lot 10

ADDRESS OF PROPERTY: 123 Settlement Ln.

REASON FOR REQUEST: Variance from 25 feet to 16'2"

SIGNATURE OF APPLICANT: 

Application Fee: \$500.00

DATE/AMOUNT PAID: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

**FOR CITY USE ONLY**

DATE AND TIME OF MEETING SCHEDULED \_\_\_\_\_

REQUEST FOR VARIANCE GRANTED/DENIED.

IF DENIED, REASON: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CHECKLIST FOR BOARD OF ADJUSTMENT APPLICANT**

The following items must be submitted along with the completed application before processing and scheduling.

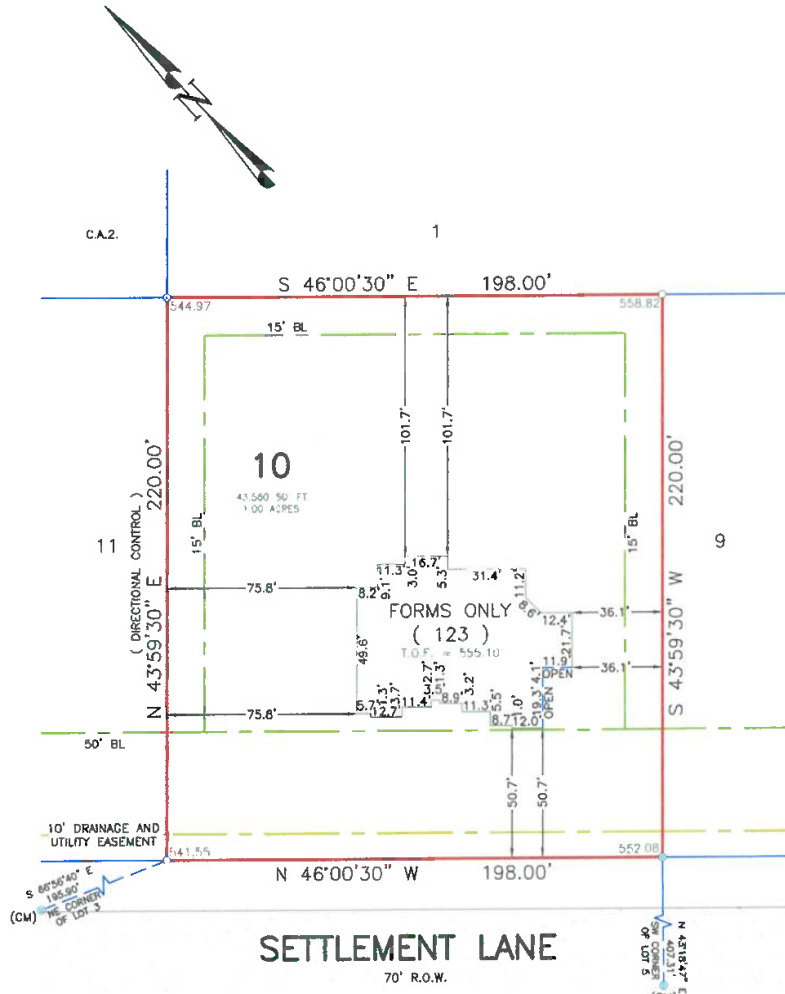
1. Completed Application ✓
  
2. A survey or plat showing location of proposed improvements and existing structures as related to all boundary lines ✓
  
3. Pictures and descriptions of project including materials descriptions ✓
  
4. Names and Addresses of Legal Property Owners within 200 feet of property. (The city will need to send these out 11 Days or more giving notice of the meeting.) ✓

2701 SUNSET RIDGE DRIVE, STE. 303  
 ROCKWALL, TEXAS 75032  
 FIRM REGISTRATION NO. 10194366

# FORM SURVEY



BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090  
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 123 SETTLEMENT LANE in the City of MCLENDON-CHISHOLM, Texas.  
 BEING LOT 10, BLOCK B, HERITAGE PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2023000007964, OF THE PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS.



THE ABOVE DESCRIBED PROPERTY DOES NOT LIE IN A FLOOD HAZARD AREA ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48397C0110L, 9/28/2008, ZONE X.

THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE TITLE SEARCH AND OR EXAMINATION MIGHT DISCLOSE.

FORM SURVEY COMPLETED WITHOUT THE ADDED BENEFIT OF A PLOT PLAN.

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSTRACTING WORK FURNISHED BY N/A.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 50'  
 Date: 08/11/24  
 G. F. No.:  
 Job no.: 202403955-02

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM.  
 THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR ALTRA BUILDERS LLC.

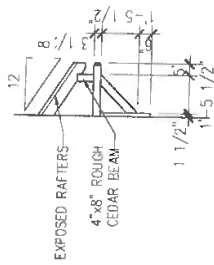
Drawn by: MD

LEGEND	
WOOD FENCE ---	IRON FENCE ---
CHAIN LINK ---	WIRE FENCE ---
BOUNDARY LINE	
CM - CONTROLLING MONUMENT	EM - ELECTRIC METER
MRO - MONUMENTS OF RECORD DIGNITY	PE - POOL EQUIP
1/2" IRON ROD FOUND	PF - POWER POLE
1/4" RED-CAPPED IRON ROD FOUND	PT - TELEPHONE
SET 'X' [ ] FOUND 'X'	TR - TELEPHONE
3/8" IRON ROD FOUND	WM - WATER METER
5/8" IRON ROD FOUND	WV - WATER VALVE
PN - NAIL FOUND	UNLESS OTHERWISE NOTED

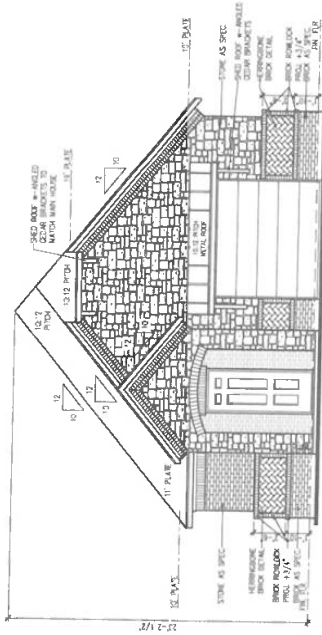


*[Signature]*



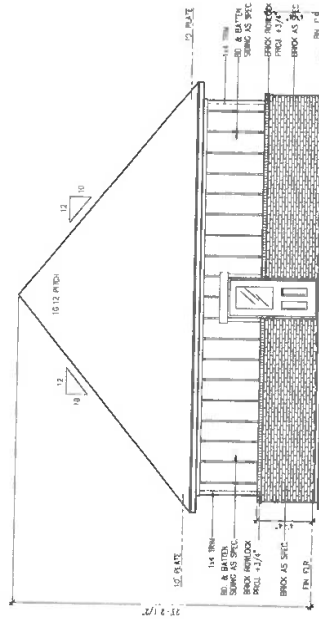


**CEDAR BRACKET DETAIL**  
SCALE = NTS



**FRONT ELEVATION**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x42 PAGES)



**REAR ELEVATION**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x42 PAGES)

RNF Design, LLC  
3012 St. Martin Dr.  
Mansfield, Texas 76063



FRONT & REAR ELEVATIONS  
123 SETTLEMENT LN-CHILCOTE DET. GARAGE

DATE	11/11/2011
BY	RL
CHECKED	RL
SCALE	1/8" = 1'-0"
PLAN NUMBER	11875F
PLAN NAME	CHILCOTE GARAGE
PLAN COMMENTS	
SHEET NO.	E1.1

RnE Design, LLC  
 3012 St. Martin Dr.  
 Mansfield, Texas 76063



SITE PLAN  
 123 SETTLEMENT LN-CHILCOTE DET. GARAGE

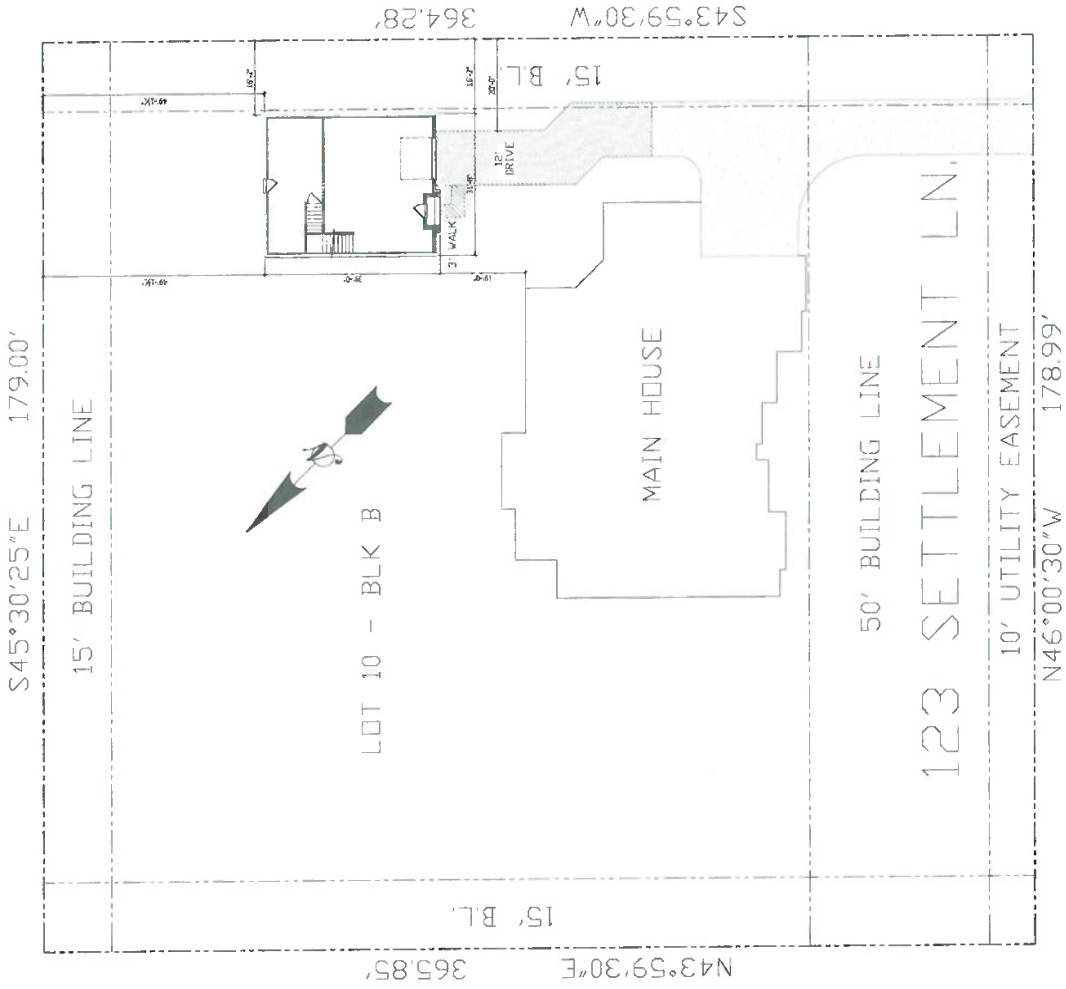
DATE: 11/23/20  
 SCALE: 1/8" = 1'-0"

PLAN NUMBER: 1107-SF

PLAN NAME: CHILCOTE GARAGE

PLAN COMPANY: RnE Design, LLC

SHEET NO. SITE



# Neighbors within 200 feet



- Property ID: 332423  
117 Settlement Ln  
Owner Name: ALBRIGHT LAUREN FRANCES & CHRIS
- Property ID: 332413  
114 Endowment Ln  
Owner Name: OAK NATIONAL DEVELOPMENT LLC
- Property ID: 332414  
118 Endowment Ln  
Owner Name: INTERURBAN INVESTMENTS LLC
- Property ID: 332421  
129 Settlement Ln  
Owner Name: BAUMAN STEVE & KARLA
- Property ID: 332427  
112 Settlement Ln  
Owner Name: FRANKLIN LADARYL DARNELL & PAULA
- Property ID: 332428  
120 Settlement Ln  
Owner Name: RUTH RICKY ESMILLA & LYNDA
- Property ID: 332429  
124 Settlement Ln  
Owner Name: BAMBICO BRANDON & PHARRYN
- Property ID: 332430  
128 Settlement Ln  
Owner Name: SEAMAN CHRISTOPHER & KERI TOWNS



*Barry Chilcote*

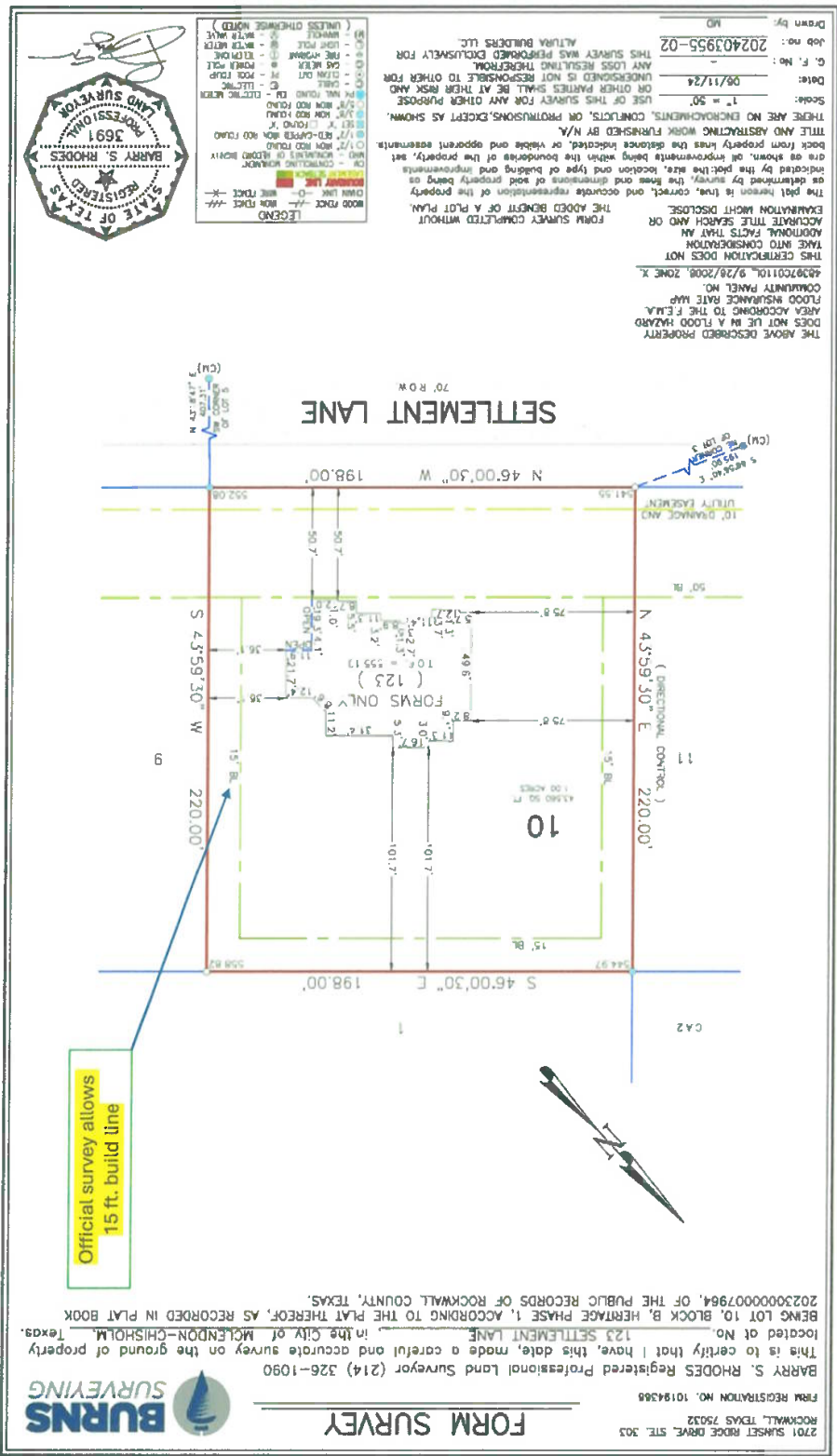
# Request for Variance

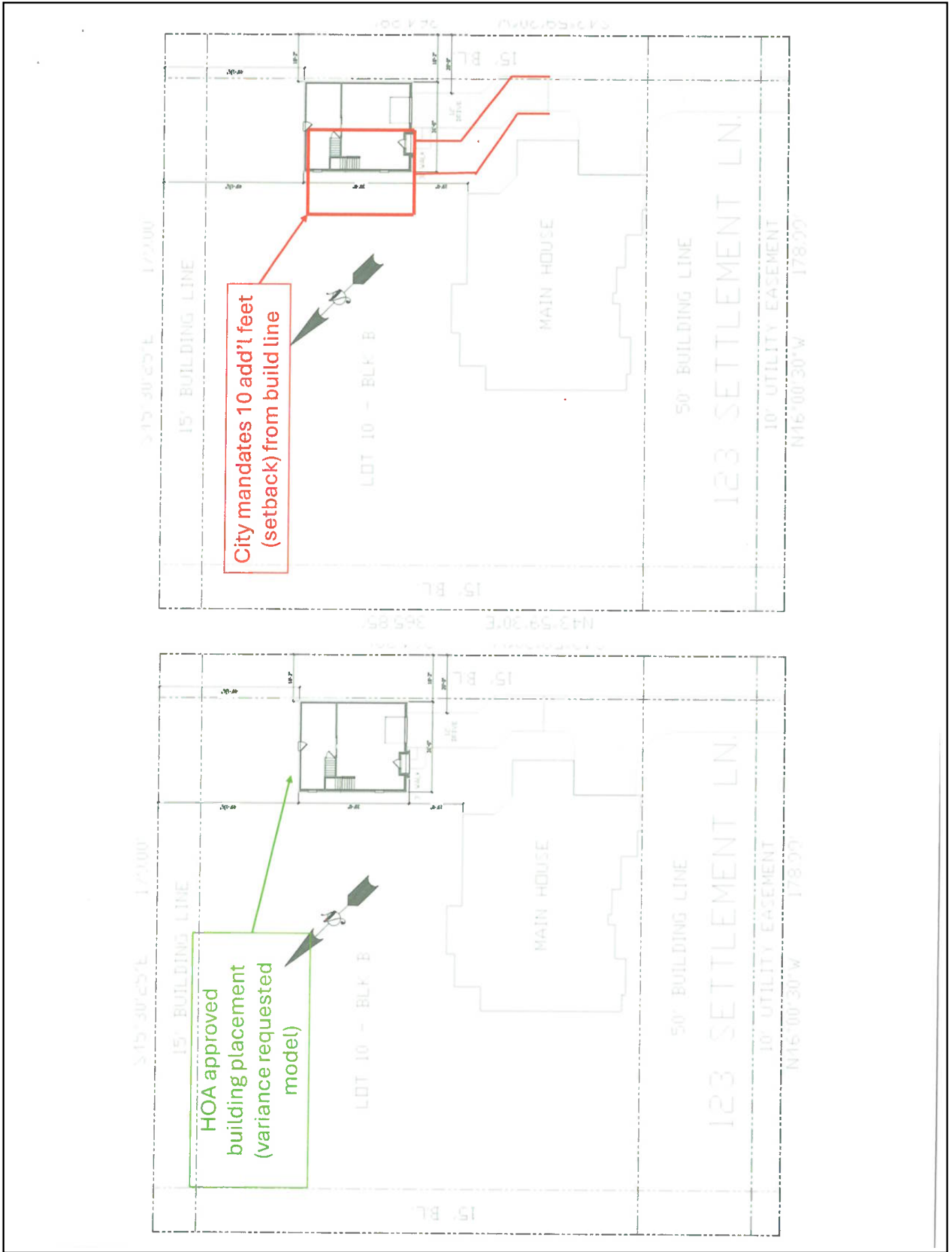
*214-288-8347*

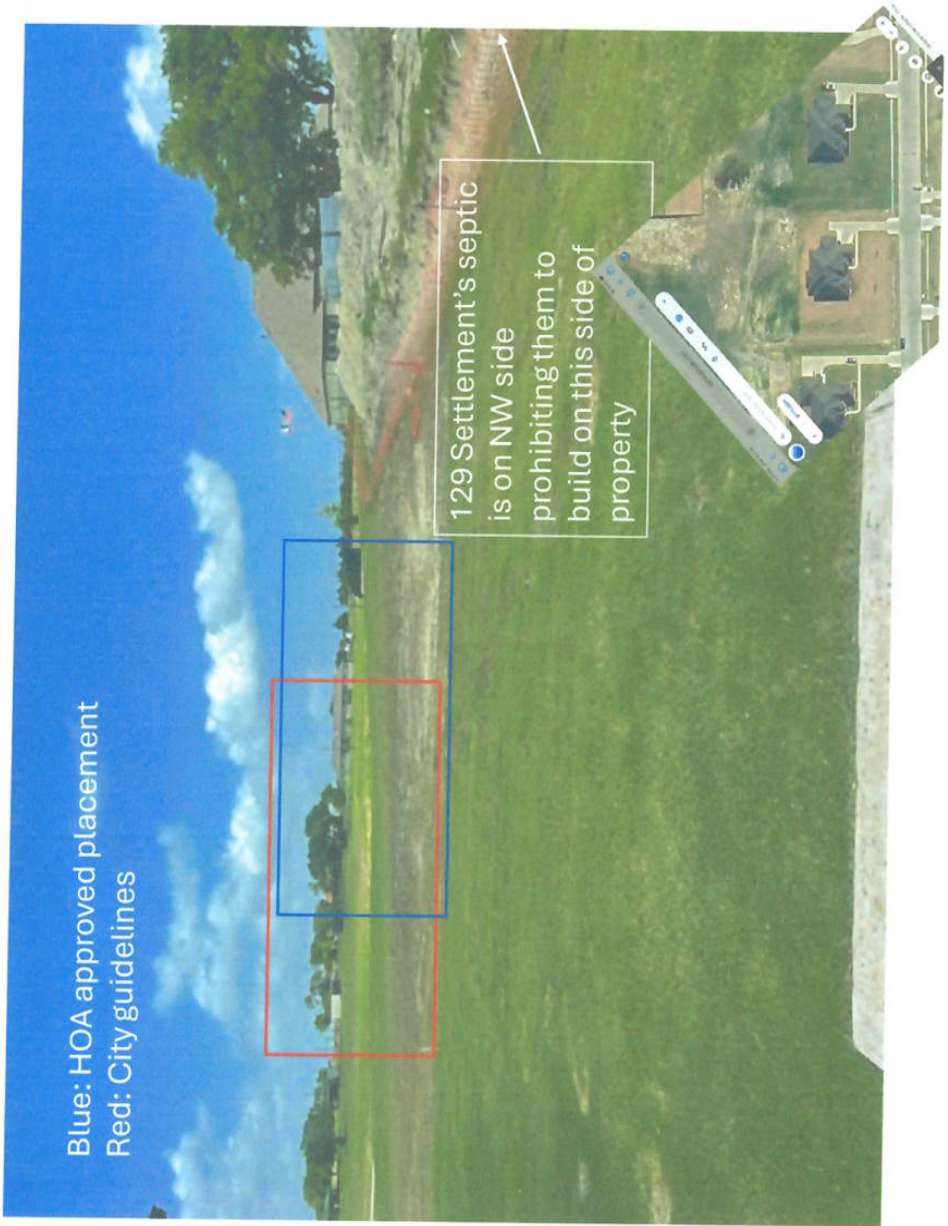
## 123 Settlement

*barrychilcote@gmail.com*

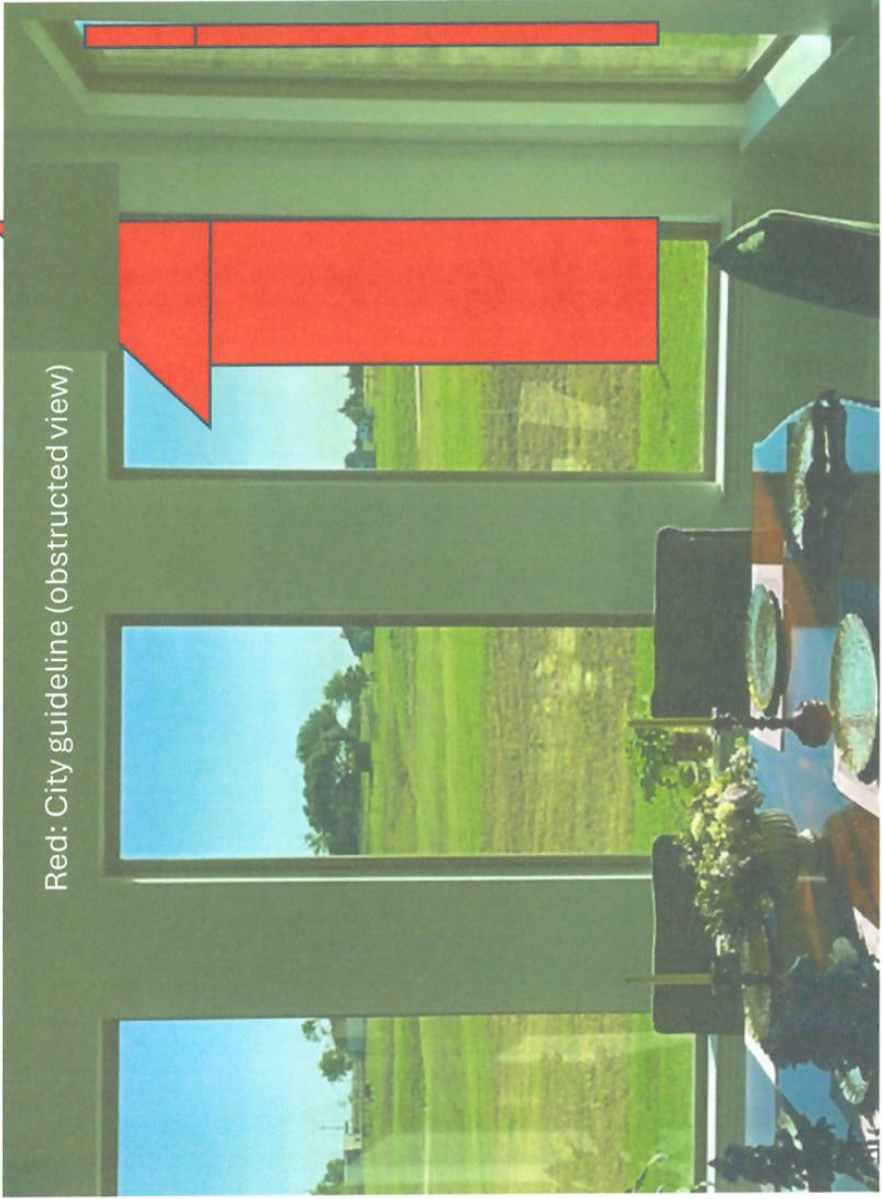
1. Official Survey
2. Site Placement: HOA approved (variance request) & City Mandate
3. Street Level Building Location: HOA & City
4. Street Aesthetic: HOA & City
5. View Obstruction: City
6. Elevations with building materials
7. Grandfathered Example



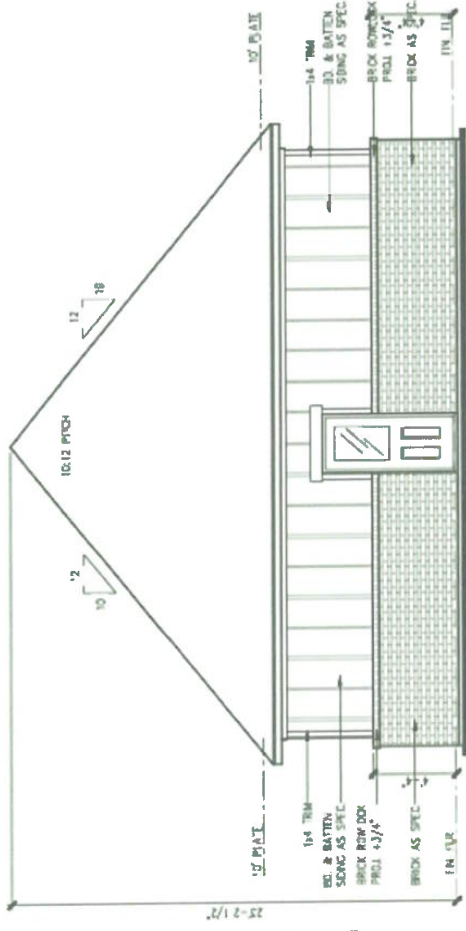






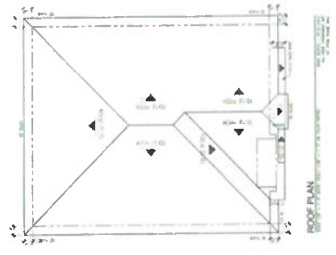
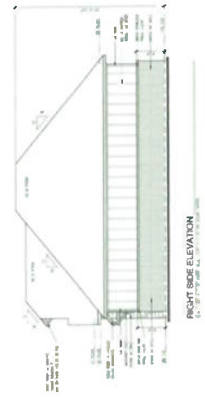
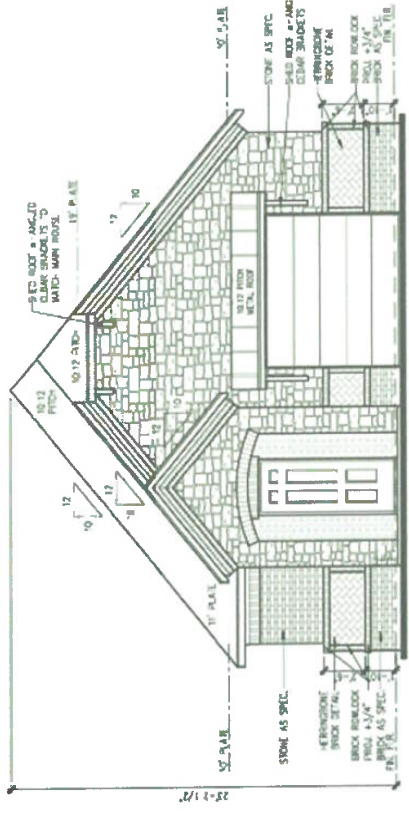


Red: City guideline (obstructed view)



**REAR ELEVATION**

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/8" = 1'-0" ON 27534 PAPERS)



148 Settlement  
was permitted  
a less than 1 ft  
setback from  
build line

