



**AGENDA  
BOARD OF ADJUSTMENT  
THURSDAY, SEPTEMBER 19, 2024  
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. RULES OF DECORUM**
- 4. CITIZEN COMMENTS**
- 5. ITEMS FOR CONSIDERATION**
  - 3 - 5 5.1. Approval of Dec. 13, 2023 Board of Adjustment Meeting minutes  
[BOA Meeting Minutes 12.13.2023](#)
  - 6 - 7 5.2. Approval of August 21, 2024 BOA Special Meeting Minutes  
[BOA Special Meeting Minutes 8.21.24](#)
  - 5.3. Election of the new Chair and Co-Chair of the Board of Adjustment
  - 8 - 11 5.4. Reconsideration of the Sparcio case from August 21, 2024 Special Meeting.  
Applicant is requesting approval of a reduction in the required side yard setback from 25 feet to 10 feet for the addition of a single car garage located at 720 Kensington Dr., McLendon-Chisholm, Texas 75032  
[BOA Staff Report Sparcio FINAL](#)  
[BOA Application Sparacio](#)
  - 12 - 17 5.5. Consideration /Action for Thomas and Vicki Pekarik - The applicant is requesting approval of a variance to build a detached garage 10 feet from the property line due to an existing pool and encroachment issues

in relation to the structure. The property is located at 610 Stampede Rd.  
McLendon-Chisholm, Texas 75032

[BOA Staff Report Pekarik FINAL](#)

[BOA Application for Thomas and Vicki Pekarik](#)

## **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 8:00 A.M., September 15, 2024 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**AGENDA  
BOARD OF ADJUSTMENT  
WEDNESDAY, DECEMBER 13, 2023 7:00 PM  
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032**

**1. CALL TO ORDER**

**Madame Chair Bev Stibbens called the Meeting to order at 7:03 PM**

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

**Madame Chair leads board in invocation and pledge to both the US and  
Texas Flags**

**3. CITIZEN COMMENTS**

**There were no Citizen comments**

**4. ADOPTION OF MINUTES**

- 4.1. Consider approval of the minutes of the May 10, 2023 Board of  
Adjustment regular meeting  
[May 5, 2023 Minutes](#)

**Motion made to approve minutes of May 10. 2023 Board of Adjustment  
meeting  
Motion Seconded  
Motion Passed: Unanimous**

- 4.2. Consider approval of the minutes of the July 12, 2023 Board of Adjustment regular meeting. [July 12, 2023 Minutes](#)

**Motion made to approve minutes of July 12,2023 Board of Adjustment meeting**

**Motion seconded**

**Motion Passed: Unanimous**

## 5. PUBLIC HEARING

Public hearing to consider the request of O'Reilly Auto Enterprises, LLC for special exception request to the requirements of McLendon Chisholm Zoning Ordinance, Section 4-13 Commercial development standards, Subsection E.1. Building form and subsection E.3. Articulation.

Subsection E.1. Building Form: This subsection of the Ordinance provides that the maximum area allowed for a single floor shall be 6,000 square feet and the maximum wall length shall not exceed 80 feet. **The request for the special exception is to increase the square footage from 6,000 square feet to 7,480 square feet and to increase the maximum wall length from 80 feet to 87 feet 8 inches for the entire building and;**

Subsection E.3. Horizontal articulation: This subsection requires that: No building wall shall extend for a distance equal to 3 times the wall's height without having an off-set of 25 percent of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length of the first plane. **The request is to eliminate the required wall off-set and to retain the wall in a straight line.**

**Madame Chair opens the Public Hearing for comments.**

**She calls for comments against the project and no one ask to be heard.**

**Madame Chair then ask for comments for the project . The Engineer representing O'Reilly's offers insight on why they are asking for a variance and what the specific differences were going to be.**

**Madame Chair closes the Public Hearing.**

## 6. ITEMS FOR CONSIDERATION AND ACTION

- 6.1. Discussion and action regarding the request of O'Reilly Auto Enterprises, LLC. for special exception requests to the requirements of McLendon-Chisholm Zoning Ordinance, Section 4-13 Commercial development standards, Section E.1. Building form and Subsection E.3. Articulation.  
[Application](#)  
[Staff Report](#)

**Madame Chair asks if there are any question from the board on the project and when there is no response, she ask for a motion.**

**Madame Chair makes a motion to approve the request for the special exception is to increase the square footage from 6,000 square feet to 7,480 square feet and to increase the maximum wall length from 80 feet to 87 feet 8 inches for the entire building and; The request is to eliminate the required wall off-set and to retain the wall in a straight line.**

**Motion is seconded**

**Motion Passes: Unanimous**

## **7. ADJOURN**

**Madame Chair adjourns at 7:13 PM**

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, Rochelle Green, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm Board of Adjustment, was posted or before 5:00 p.m., December 8, 2023 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



## AGENDA

BOARD OF ADJUSTMENT-SPECIAL MEETING  
WEDNESDAY, AUGUST 21, 2024  
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032 6:30 PM

Present: Clark Bowering  
Melody Osorio  
Gary Nickel  
James Parnell  
Herb Harker  
Absent: Beverly Stibbens  
Trudy Woessner  
Staff: Asa Woodberry

1. CALL TO ORDER

Vice Chair Nickel called the meeting to order at 6:30pm

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

Vice Chair Nickel lead the invocation and pledge of allegiance to U.S and  
Texas Flags.

3. RULES OF DECORUM

Vice Chair Nickel informed the commission and public that rules of decorum were in effect for the duration of the meeting and to please respect this.

4. CITIZEN COMMENTS

Receiving no public comments and having no representatives wishing to speak in the audience, public comment was opened and closed at 6:35pm

5. ITEMS FOR CONSIDERATION AND ACTION

- 5.1 . Applicant is requesting approval of a reduction in the required setback from 25 feet to 10 feet for the addition of a single car garage located at 720 Kensington Dr. McLendon-Chisholm, Texas 75032

There was discussion of where this structure would be built as to keep in conformity with the architecture of the neighborhood and the desire of the homeowner to respect the HOA guidance on architecture. The contractor answered questions regarding input from the neighbors and reassured the commission that the neighbors were in support of this variance and the HOA is aware of this as well.

**Motion to approve of a reduction in the required setback from 25 feet to 10 feet for the addition of a single car garage at 720 Kensington Dr. McLendon-Chisholm, Texas  
Seconded by Commissioner Bowering.  
Vote passed 4-1  
(Ayes – Commissioners Bowering, Nickel, Parnell, & Harker)  
(Nay -Commissioner Osorio)**

6. ADJOURN

MEETING ADJOURN AT 6:52 PM



BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: August 15, 2024

Applicant: Ruthann Sparacio  
720 Kensington Dr.  
Rockwall, Texas 75032

Representative: Ruthann Sparacio

Property owner: Ruthann Sparacio  
720 Kensington Dr.  
Rockwall, Texas 75032

Location: The property, located at 720 Kensington Dr, McLendon-Chisholm, Texas 75032, is a 1.12-acre tract of land located in the Kensington Park subdivision, with frontage on Kensington Drive. Lot 6, Block D, Kensington Park Phase 1 contains 1.12 acres of land. The Rockwall CAD property identification number is 85856.

BOARD OF ADJUSTMENT MEETING DATE: September 19, 2024

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**REQUEST:**

The applicant is requesting approval of a reduction in the required side yard setback from 25 feet to 10 feet for the addition of a single car garage.

**[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.

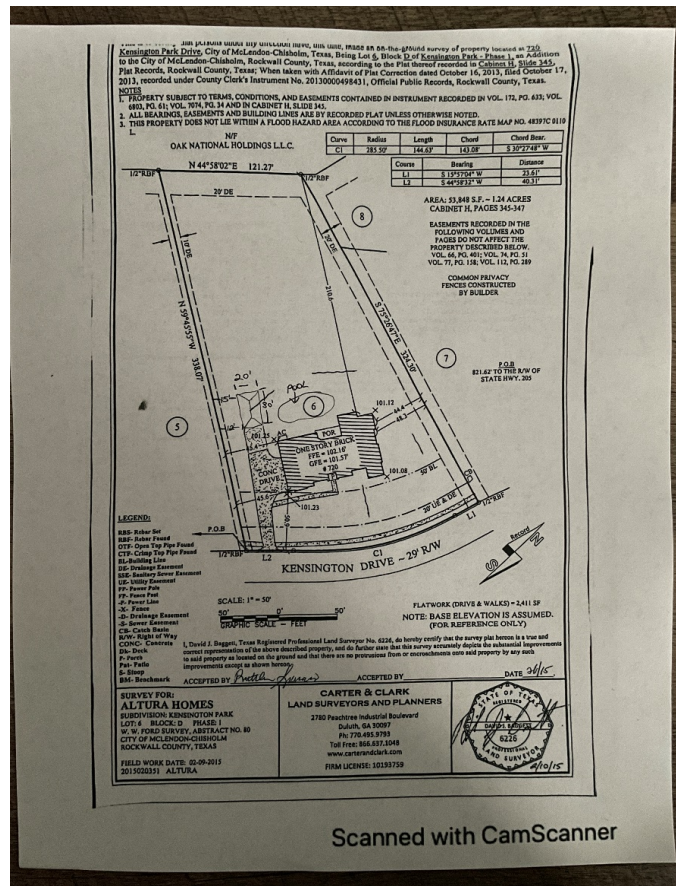
To subpoena witnesses, administer oaths and require the production of documents.

**Background Information:**

The required side yard setback is 25 feet, however there is a swimming pool present, and the applicant believes the proposed single-car garage would be too close to the pool. The current zoning for this development (Kensington Park) is a PD – Planned Development that follows the City of McLendon-Chisholm's Single Family (SF) 1.5 zoning district regulations with minor modifications.

Based upon the site plan provided by the applicant, the minimum distance from the side property line to the edge of the concrete adjacent to the pool area is 50 feet.

**Requested Site Plan**



Scanned with CamScanner

Aerial view of subject property





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

DATE OF APPLICATION 7-10-2024 CASE # \_\_\_\_\_

NAME OF APPLICANT RUZHANW SPARACIO

ADDRESS 720 KENSINGTON PHONE NO. 214-244-7240

ROCKWALL TX BUSINESS PHONE NO. 902-782-1770

DESCRIPTION OF PROPERTY LOT NUMBER \_\_\_\_\_ BLOCK NUMBER \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: SINGLE FAMILY RESIDENCE

ADDRESS OF PROPERTY: 720 KENSINGTON DR. ROCKWALL TX

REASON FOR REQUEST: WANT ADD SINGLE CAR GARAGE  
AT 25' SETBACK, BUILDING WOULD BE TOO CLOSE TO  
POOL, REQUESTING 10' SETBACK.

SIGNATURE OF APPLICANT Ruzhanw Sparacio

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: August 27, 2024

Applicant: Thomas and Vicki Pekarik  
610 Stampede Run  
McLendon-Chisholm, Texas 75032

Representative: Keith Lowery  
[keith@kcbuilders.net](mailto:keith@kcbuilders.net)

Property owner: Thomas and Vicki Pekarik  
610 Stampede Run  
McLendon-Chisholm, Texas 75032

Location: The property, located at 610 Stampede Run, McLendon-Chisholm, Texas 75032, is a 1.05-acre tract of land located in the Chisholm Crossing Phase IV-B subdivision, with frontage on Stampede Run. Lot 31, Block C, Chisholm Crossing Phase IV-B contains 1.05 acres of land. The Rockwall CAD property identification number is 87289.

BOARD OF ADJUSTMENT MEETING DATE: September 11, 2024

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**REQUEST:**

The applicant is requesting approval of a variance to build a detached garage 10 feet from the property line due to an existing pool and encroachment issues in relation to the structure.

**[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.

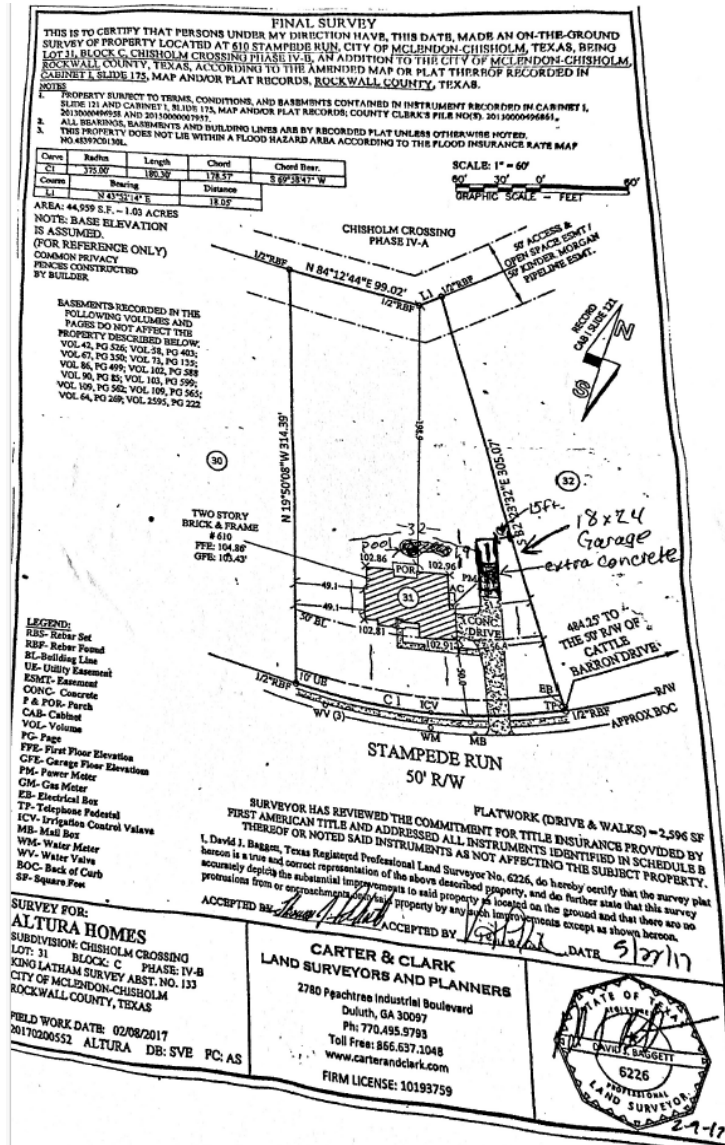
To subpoena witnesses, administer oaths and require the production of documents.

**Background Information:**

The required side yard setback is 25 feet, however there is a swimming pool present, and the applicant believes the proposed detached garage would encroach on the existing pool and cause ground issues. The current zoning for this development (Chisholm Crossing, Phase IV) is a PD – Planned Development that follows the City of McLendon-Chisholm's Single Family (SF) 1.5 zoning district regulations with minor modifications.

Based upon the site plan provided by the applicant, the minimum distance from the side property line to the edge of the concrete adjacent to the pool area is 50 feet.

Requested Site Plan



Aerial view of subject property





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

DATE OF APPLICATION 7-10-24 CASE # \_\_\_\_\_

NAME OF APPLICANT Thomas and Vicki Pekarik

ADDRESS 610 Stamped Run PHONE NO. 864-642-7197

864-653-0185 BUSINESS PHONE NO. \_\_\_\_\_

DESCRIPTION OF PROPERTY LOT NUMBER 31 BLOCK NUMBER C

LEGAL DESCRIPTION OF PROPERTY: 610 Stamped Run Lot 31

ADDRESS OF PROPERTY: 610 Stamped Run Rockwall, TX 75082

REASON FOR REQUEST: Build detached Garage. Need  
Variance to build 10ft from  
property line otherwise will encroach  
on existing pool and ground issues.

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: \_\_\_\_\_

VICKI PEKARIK  
THOMAS PEKARIK  
610 STAMPEDE RUN  
ROCKWALL, TX 75032

2208  
64-22/610 8111

7-10-24

Date

Pay to the Order of City of McLendon Chisholm \$ 3400.00

Three thousand Four hundred Dollars



Wells Fargo Bank, N.A.  
Georgia  
wellsfargo.com

For Variance Application Thomas Pekarik

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Harland Clarke

GUARDIAN SAFETY® YELLOW