



**AGENDA
BOARD OF ADJUSTMENT
WEDNESDAY, DECEMBER 11, 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. PUBLIC HEARING

The public hearing will be to receive public comment regarding an application requesting one variance request to the City of McLendon-Chisholm Regulations on property located at Chisholm Crossing Phase IV-B, Block C, Lot 28, known as 616 Stampede Run, McLendon-Chisholm, Texas 75032. Regulation requires a minimum of 25 feet for side yard setbacks. The owner is requesting a reduction from 25 feet to 12 feet for the construction of a single detached garage.

6. ITEMS FOR CONSIDERATION

3 - 5 6.1. Consider approving Minutes from Sept. 19, 2024 Board of Adjustments meeting.

[Minutes BOA Sept 19](#)

6 - 7 6.2. Consider approving Minutes from November 13, 2024 Board of Adjustments meeting.

[BOA Minutes - Nov 13, 2024 \(1\)](#)

8 - 12 6.3. Consideration and Action for Charles Annis - The applicant is requesting

approval of a variance to build a detached garage 12 feet from the property line due to an existing pool and encroachment issues in relation to the structure. The property is located at 616 Stampede Rd., McLendon-Chisholm, Texas 75032

[BOA Staff Report Charles Annis 12.11.24](#)

[Charles Annis Revised Survey](#)

7. 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., Dec. 6, 2024 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**MINUTES
BOARD OF ADJUSTMENT
THURSDAY, SEPTEMBER 19, 2024
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
7:00 PM**

1. CALL TO ORDER

Meeting is called to order by Chairwoman Bev Stibbens at 6:59 PM

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

Chairwoman Bev Stibbens leads the prayer and pledges

3. RULES OF DECORUM

The Board of Members and Audience is reminded that we will all be kind and respectful to one another

4. CITIZEN COMMENTS

There are no citizens comments

5. ITEMS FOR CONSIDERATION

5.1. Approval of Dec. 13, 2023 Board of Adjustment Meeting minutes

Motion to approve the minutes of Dec. 13, 2023

Made by: Gary Nickel
Second by: Herb Harker
Motion passes: Unanimous

5.2. Approval of August 21,2024, BOA Special Meeting Minutes

Motion to approve Minutes for Aug 21, 2024 BOA

Made by: Melody
Second by: Gary Nickel
Motion passed: 4-1 (Chairwoman abstains because she was not here)

5.3. Election of the new Chair and Co-Chair of the Board of Adjustment

Bev Stibbens is nominated for Chairwoman – Motion passes 4-1 (Bev Abstains)

Gary Nickel is nominated for Co-Chair – Motion passes 4-1 (Gary Abstains)

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

Chairwoman explains that the reason the application is being heard again is that there was an administrative error. There were no questions for the applicant.

Motion to accept the request as written

Made by: Gary Nickel
Second by: David Cross
Motion Passes: 4-1
(Nayes: Melody Osorio)

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

Chairwoman Stibbens asks for comments from the applicant. He answers Questions from the board members and the Chairwoman ask for a motion

Motion to approve
Made by: Gary Nickel
Second by: Herb Harker
Motion passed: Unanimous

6. ADJOURN

Meeting adjourned at 7:10 PM



**MINUTES
BOARD OF ADJUSTMENT
WEDNESDAY, NOVEMBER 13, 2024
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
7:00 PM**

1. CALL TO ORDER

Chairwoman Bev Stibbens calls the meeting to order at 7:12PM

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

Chairwoman Stibbens leads the meeting in prayer and pledges to both US and Texas flags.

3. RULES OF DECORUM

4. CITIZEN COMMENTS

No Citizens Comments

5. PUBLIC HEARING

Chairwoman Stibbens at 7:13 PM

- 5.1. Public hearing to receive public comment regarding an application requesting one variance request to the City of McLendon-Chisholm Regulations on property located at Chisholm Crossing Phase IV-B, Block C, Lot 28, known as 616 Stampede Run, McLendon-Chisholm, Texas 75032. Regulation requires a minimum of 25 feet for side yard setbacks. The owner is requesting a reduction from 25 feet to 10 feet for the construction of a single detached garage.

Mr. Annis asks to speak and explains why he is asking for the variance. He states that the neighbors are OK with his building.

Public Hearing is closed at 7:16 PM

6. ITEMS FOR CONSIDERATION

- 6.1. Consideration and Action for Charles Annis - 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 616 Stampede Rd. McLendon-Chisholm, Texas 75032.”

Chairwoman Stibbens asks for the staff report.

Asa Woodberry, City Planner gives staff report, recommending approval but ask for the board members' thoughts.

Asa asks Mr. Annis to step up and answer questions the Board Members have And is asked to approach the members to point out gas lines, etc. shown on the Survey.

After several questions and comments about the size of the building and placement on the building in relation to the driveway, fence and pool, the board members made several suggestions that they feel would be a better compromise.

Chairwoman Stibbens also looks at the 2 responses received from neighbors and then calls for a motion.

Mr. Annis asks if the neighbor that opposed it was the reason no action was taken. Chairwoman Stebbins states that it is not the reason and gives him some suggestions of setbacks that might be a better fit. She also reminds him that each request is judged on its own merit and not guarantee approval.

Chairwoman again calls for a motion. No motion was made. Request dies for this Meeting

7. ADJOURN

Meeting is adjourned and 7:47PM



BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: December 4, 2024

Applicant: Charles Annis
616 Stampede Run
McLendon-Chisholm, Texas 75032

Representative: Carlos Marin

Property owner: Charles Annis
616 Stampede Run
McLendon-Chisholm, Texas 75032

Location: The property, located at 616 Stampede Run, McLendon-Chisholm, Texas 75032, is a 1.03-acre tract of land located in Chisholm Crossing Phase IV, with frontage on Stampede Run. Chisholm Crossing Phase IV-B, Block C, Lot 28, contains 1.03 acres of land. The Rockwall CAD property identification number is 87286.

BOARD OF ADJUSTMENT MEETING DATE: December 11, 2024

REQUEST:

The applicant is requesting approval of a reduction in the required side yard setback from 25 feet to 12 feet for the construction of a single detached 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.

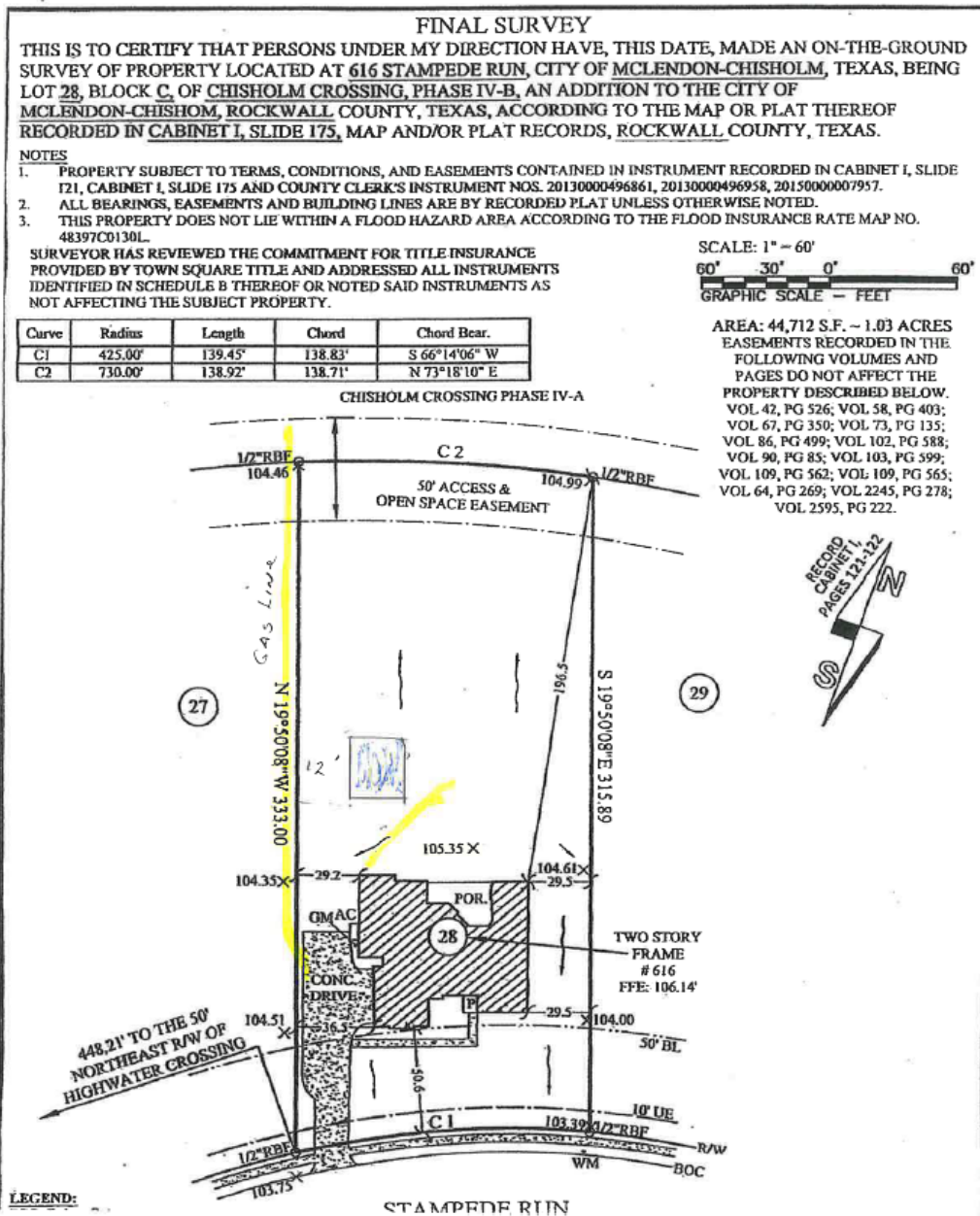
To subpoena witnesses, administer oaths and require the production of documents.

Background Information:

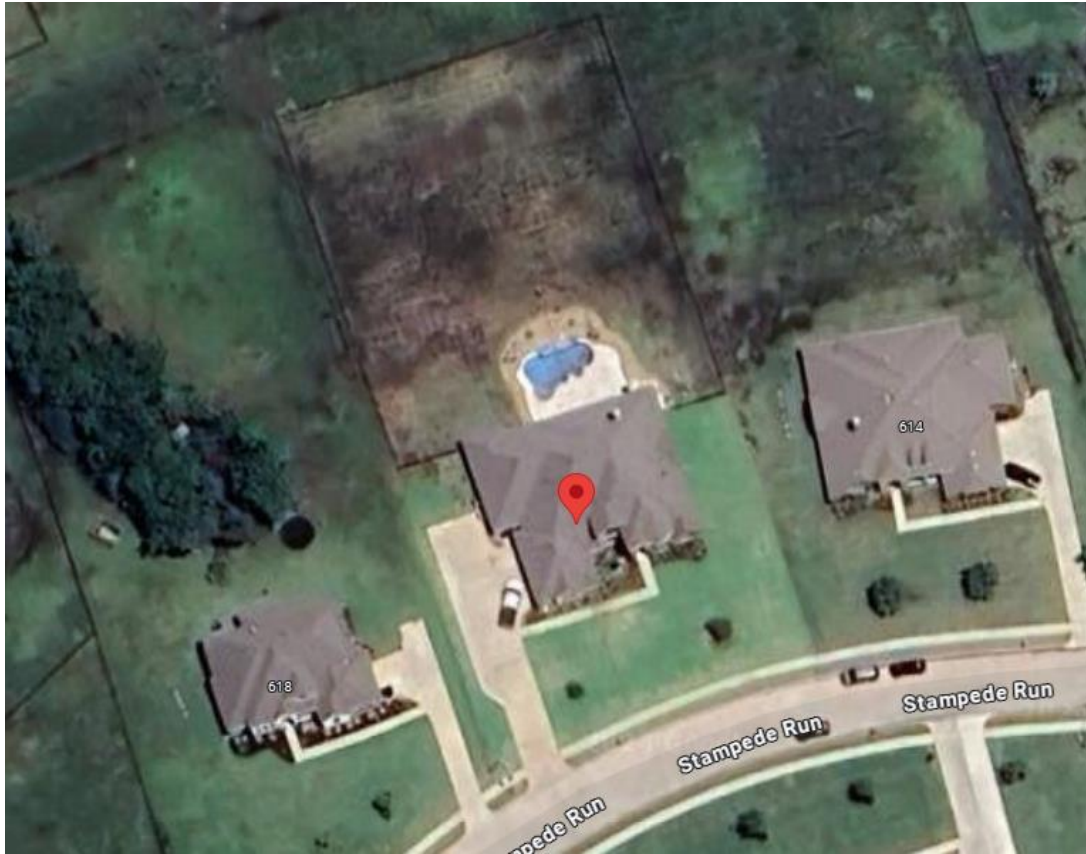
The required side yard setback is 25 feet, however there is a swimming pool present, and the proposed single detached garage would be too close to the pool. There is an existing gas line that is shown on the survey. The current zoning for this development (Chisholm Crossing, Phase IV-B) is a PD – Planned 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 planned detached garage, which will be adjacent to the pool, is 12 feet.

Requested Survey



Aerial view of subject property



FINAL SURVEY

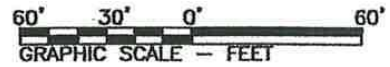
THIS IS TO CERTIFY THAT PERSONS UNDER MY DIRECTION HAVE, THIS DATE, MADE AN ON-THE-GROUND SURVEY OF PROPERTY LOCATED AT 616 STAMPEDE RUN, CITY OF MCLENDON-CHISHOLM, TEXAS, BEING LOT 28, BLOCK C, OF CHISHOLM CROSSING, PHASE IV-B, AN ADDITION TO THE CITY OF MCLENDON-CHISHOLM, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET I, SLIDE 175, MAP AND/OR PLAT RECORDS, ROCKWALL COUNTY, TEXAS.

NOTES

1. PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN CABINET I, SLIDE 121, CABINET I, SLIDE 175 AND COUNTY CLERK'S INSTRUMENT NOS. 20130000496861, 20130000496958, 2015000007957.
2. ALL BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
3. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48397C0130L.

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

SCALE: 1" = 60'



| Curve | Radius | Length | Chord | Chord Bear. |
|-------|---------|---------|---------|---------------|
| C1 | 425.00' | 139.45' | 138.83' | S 66°14'06" W |
| C2 | 730.00' | 138.92' | 138.71' | N 73°18'10" E |

AREA: 44,712 S.F. ~ 1.03 ACRES
EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE PROPERTY DESCRIBED BELOW.
VOL 42, PG 526; VOL 58, PG 403;
VOL 67, PG 350; VOL 73, PG 135;
VOL 86, PG 499; VOL 102, PG 588;
VOL 90, PG 85; VOL 103, PG 599;
VOL 109, PG 562; VOL 109, PG 565;
VOL 64, PG 269; VOL 2245, PG 278;
VOL 2595, PG 222.

CHISHOLM CROSSING PHASE IV-A

