



**AGENDA
BOARD OF ADJUSTMENT
WEDNESDAY, DECEMBER 13, 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. ADOPTION OF MINUTES

3 - 13

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

14 - 27

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

5. PUBLIC HEARING

5.1. A 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.**

6. ITEMS FOR CONSIDERATION AND ACTION

28 - 35

- 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](#)

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, 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.



**MINUTES
McLENDON-CHISHOLM, TEXAS
BOARD OF ADJUSTMENT
MAY 10, 2023**

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

Absent: Lee Nichols, Alternate
James Parnell, Alternate

Staff Present: Shelly Green City Secretary
Mike Coker City Planner

1. CALL TO ORDER

Chairperson Stibbens called the meeting to order at 7:00 p.m.

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

Chairperson Stibbens voiced the invocation and led the pledge of allegiance to the U.S. and Texas Flags

3. CITIZEN COMMENTS

No Citizen Comments

4. APPROVAL OF MINUTES

4.1. July 21, 2022, Regular BOA Minutes

MOTION: APPROVE MINUTES AS PRESENTED

MADE BY: Board Member Harker
SECONDED BY: Board Member Nickel
APPROVAL: Unanimous

5. ITEMS FOR CONSIDERATION

5.1. Public Hearing to consider an application requesting two variances to the City of McLendon-Chisholm Zoning Regulations on property located on FM 1139 containing 12.05 acres of land further described. Regulation 1 requires the minimum width of a lot to have no less than 300 linear feet of street frontage. Regulation 2 requires the minimum width of a lot to be 300 feet. The request is to reduce the required street frontage from 300 feet to 233.65 feet and to reduce the required width from 300 feet to 233.55 feet.

Chairperson Stibbens opened the public hearing at 7:02 p.m.

City Planner Coker presented his staff report:

APPLICANT: Melissa Alt
609 Life Spring Drive
Rockwall, Texas 75087

LOCATION: Rockwall CAD Property ID #s 12016 and 12017 located on the northeast side of FM 1139 one lot southwest of Kentwood Drive, McLendon-Chisholm, Texas

BOARD OF ADJUSTMENT MEETING – May 10, 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 233.65 feet, a reduction of 66.35 feet. Additionally, the applicant is requesting a variance to the required lot width. The minimum lot width required in the Agriculture Zoning District is 300 feet. The lot width requested is 233.55 feet, a reduction in the required width of 66.45 feet.

PROPERTY OWNER: Melissa Alt
609 Life Spring Drive
Rockwall, Texas 75087

REPRESENTATIVE: Melissa Alt

STAFF RECOMMENDATION: Approval of both requests.

Both requests meet the standards required to approve the variances.

BACKGROUND INFORMATION:

The subject property is two seven-acre tax tracts of land located FM 1139. [Rockwall CAD Nos. 12016 and 12017 both parts of a larger 14-acre tract.] This is an unplatted tract of land in AO166 JC Newell Survey, Tracts 4 and 5.

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

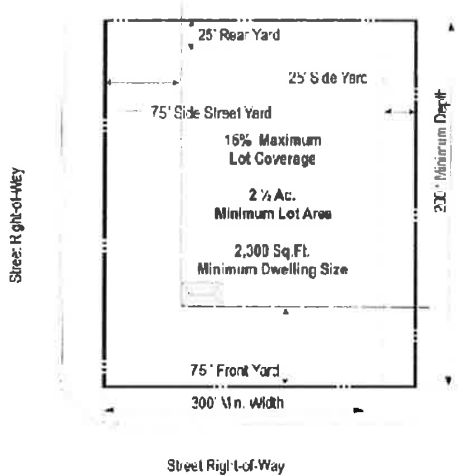
The 2.5 zoning district requires a minimum frontage adjacent to the street right of way of 300 feet. [See the graphic below].

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 233.65 feet and the rear lot line is 233.45 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 233.55 feet of lot width.

Zoning:

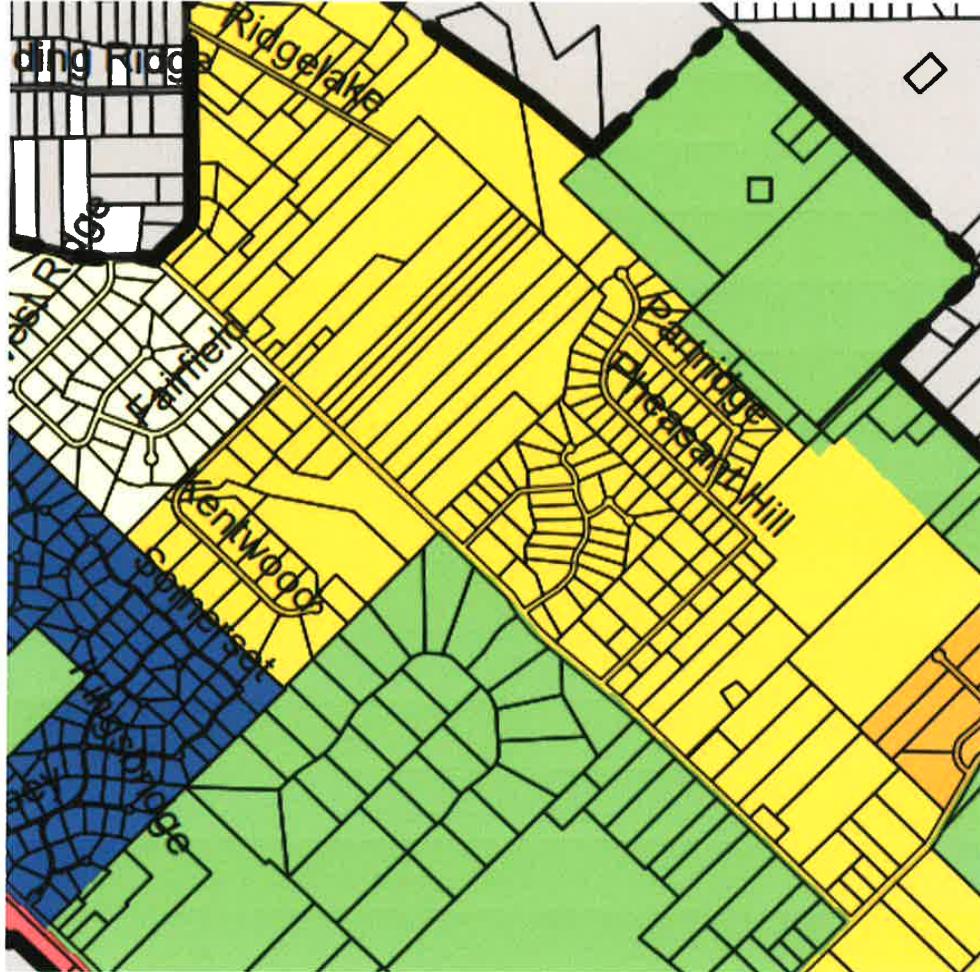
The zoning envelope and size requirements for the SF 2.5 zoning district are shown in the graphics below.



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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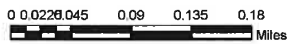
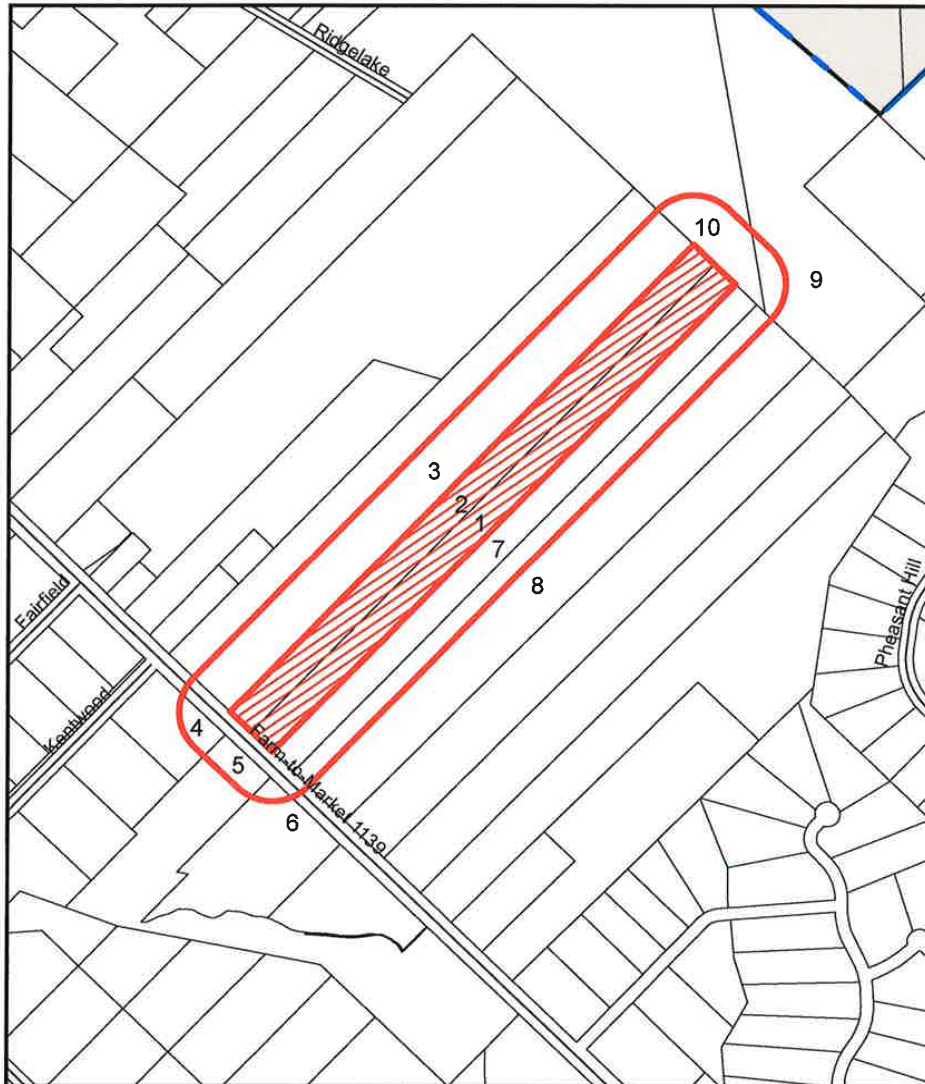
Subject property aerial outlined in red



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City of McLendon-Chisholm
Property ID: 12016/12017
200' Notification Map





Property ID: 12016 & 12017 – 200' Notification

1. ALT MELISSA (1108860)
609 LIFE SPRING DR
ROCKWALL TX 75087
2. ALT MELISSA (1108860)
609 LIFE SPRING DR
ROCKWALL TX 75087
3. STOLL AUSTIN KIM (1094141)
1516 SALT CEDAR CT
SPRINGFIELD IL 62712
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. EVANS SCOTT AND SANDRA (1117393)
104 W JONES ST
TERRELL TX 75160-2107
8. MIDDLETON DANIEL RICHARD (11822)
1771 FM 1139
ROCKWALL TX 75032-7155
9. CITY OF ROCKWALL (10552)
205 W RUSK ST
ROCKWALL TX 75087-3633

10. HOLCOMBE THOMAS WESLEY JR AND SUZANNE KITTRIX HOLCOMBE-
GREY (1071863)
925 CANE CREEK DR
FLETCHER NC 28732

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.

Commissioner Nickel pointed out that property owner No. 4 on the notification map did not receive a letter regarding this public hearing. City Secretary Green responded this was an oversight on her part.

5.2. Consideration and approval of an application requesting two variances to the City of McLendon-Chisholm Zoning Regulations on property located on FM 1139 containing 12.05 acres of land further described. Regulation 1 requires the minimum width of a lot to have no less than 300 linear feet of street frontage. Regulation 2 requires the minimum width of a lot to be 300 feet. The request is to reduce the required street frontage from 300 feet to 233.65 feet and to reduce the required width from 300 feet to 233.55 feet.

MOTION: APPROVE THE REQUEST FOR TWO VARIANCES TO THE CITY OF MCLENDON-CHISHOLM ZONING REGULATIONS ON PROPERTY LOCATED ON FM 1139 CONTAINING 12.05 ACRES OF LAND TO (1) REDUCE THE MINIMUM WIDTH OF A LOT FROM 300 FEET TO 233.55 FEET, AND (2) REDUCE THE REQUIRED STREET FRONTAGE FROM 300 FEET TO 233.65 FEET.

MADE BY: Commissioner Nickel
SECONDED BY: Commissioner Cross
APPROVAL: Unanimous

6. ADJOURN

There being no further business to discuss, Chairperson Stibbens adjourned the meeting at 7:16 p.m.

ATTEST:

APPROVED:

Rochelle Green, City Secretary

Beverly Stibbens, Chairperson



**MINUTES
McLENDON-CHISHOLM, TEXAS
BOARD OF ADJUSTMENT
JULY 12, 2023**

Members Present: Herb Harker, Board Member
Melody Osorio, Board Member
Gary Nickel, Co-Chair
Clark Bowering

Absent: Beverly Stibbens, Chairperson
James Parnell, Alternate
Lee Nichols, Alternate

Staff Present: Shelly Green City Secretary
Mike Coker City Planner

1. CALL TO ORDER

Co-person Nickel called the meeting to order at 7:00 p.m.

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

Co-Chair Nickel voiced the invocation and led the pledge of allegiance to the U.S. and Texas Flags

3. CITIZEN COMMENTS

No Citizen Comments

4. PUBLIC HEARING

- 4.1. A public hearing to consider the request of Scott Evans (applicant/owner) requesting two variances to Section o4-1 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.

Co-Chair Nickel opened the public hearing at 7:03 p.m.

Applicant Scott Evans, 104 W. Jones, Terrell, TX 75160, presented the request.

There being no further requests to speak, the public hearing was closed at 7:05 p.m.

5. ITEMS FOR CONSIDERATION

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.

City Planner Coker presented his staff report:

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.

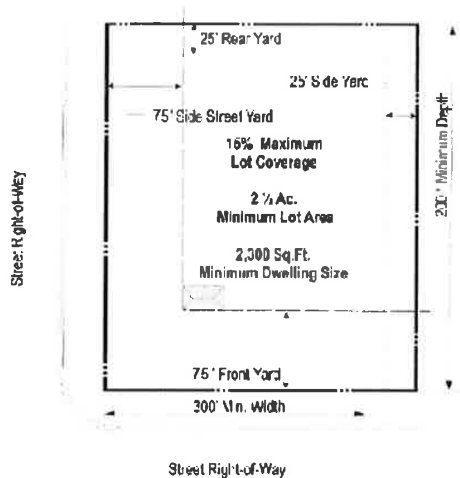
The SF 2.5 zoning district requires a minimum frontage adjacent to the street right of way of 300 feet. [See the graphic below].

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

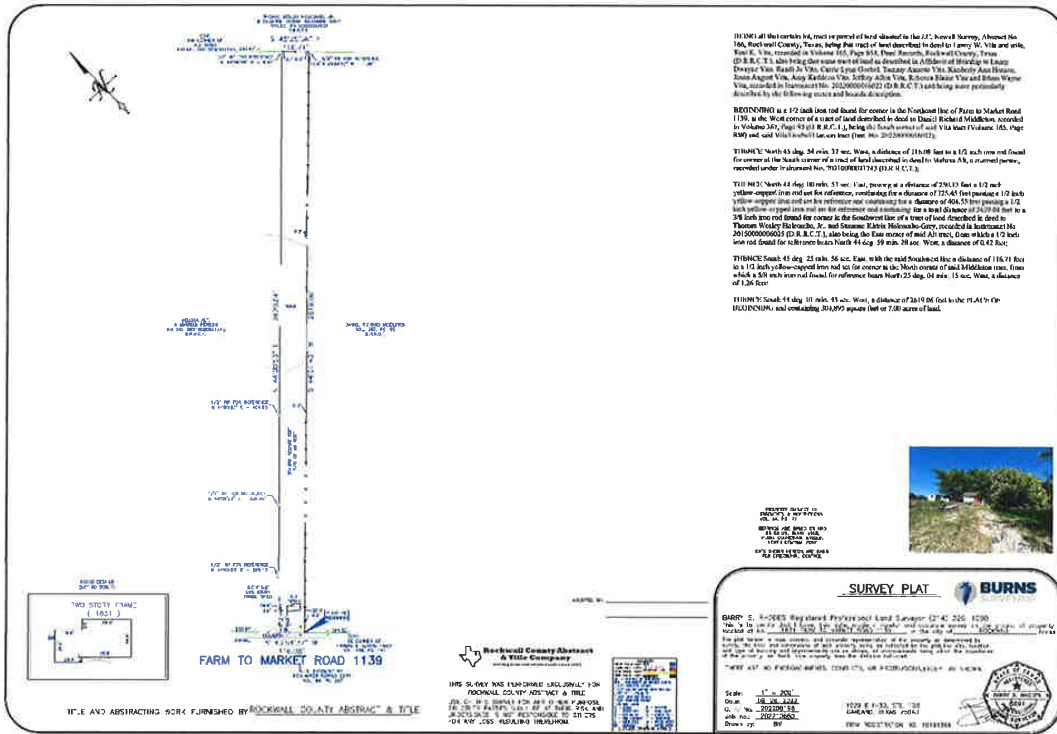
Minimum Lot Area	2 1/2 Acres
Minimum Lot Width	300 ft.
Minimum Lot Depth	200 ft.
Minimum Front Yard	75 ft.
Minimum Side Yard	25 ft. Interior 75 ft. Street
Minimum Rear Yard	25 ft.
Minimum Dwelling Size	2,300 sq. ft.
Maximum Lot Coverage	15 %
Maximum Building Height	45 ft.

Zoning map:



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Subject property survey



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Subject property aerial outlined in red



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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.

MOTION: APPROVE THE REQUEST FOR TWO VARIANCES AS PRESENTED.

MADE BY: Board Member Osario

SECONDED BY: Board Member Harker

APPROVAL: Unanimous

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 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.

City Planner Coker presented his staff report:

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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Rockwall CAD aerial with subject property outlined in red



Applicant, Misti Nicholson, presented her request and fielded questions from the Board.

MOTION: APPROVE THE REQUEST FOR APPROVAL OF AN AMENDMENT TO THE BOARD OF ADJUSTMENT APPROVED SITE PLAN.

MADE BY: Board Member Osario
SECONDED BY: Board Member Harker
APPROVAL: Unanimous

6. ADJOURN

There being no further business to discuss, Co-Chair Nickel adjourned the meeting at 7:25 p.m.

ATTEST:

APPROVED:

Rochelle Green, City Secretary

Gary Nickel, Co-Chair



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

DATE OF APPLICATION 10/18/23 CASE # _____

NAME OF APPLICANT Esterly Schneider and Associates, Inc. on behalf of O'Reilly Auto Enterprises, LLC

ADDRESS 233 S. Patterson PHONE NO. _____

Springfield, MO 65802 BUSINESS PHONE NO. _____

PROPERTY ID:
DESCRIPTION OF PROPERTY LOT NUMBER 83800 BLOCK NUMBER _____

LEGAL DESCRIPTION OF PROPERTY: See attached.

ADDRESS OF PROPERTY: STATE HIGHWAY No. 205 (NO ASSIGNED ADDRESS)

REASON FOR REQUEST:

The proposed building size for the new O'Reilly Auto Parts store exceeds the 80'-0" maximum wall length and the 6,000 sq. ft. maximum allowed per the McLendon-Chisholm Zoning Ordinance, Article 4, Section 4-13 E. 1. ("The minimum area of a single floor shall be 2,500 sf. The maximum area allowed for a single floor shall be 6,000 sf. Any building which exceeds this size shall require a special exception. The maximum length for any building wall shall be 80 ft."). O'Reilly Auto Enterprises proposes a 7,480 sq. ft. building with wall length of 87'-8". A building horizontal projection of 4'-8" is required per Section 4-13 E. 3. ("...Horizontal articulation: No building wall shall extend for a distance equal to 3 times the wall's height without having an off-set of 25% 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."). We would like to obtain a variance to allow for (A) 7,480 square feet (gross) commercial building, (B) accept wall length of 87'-8" on all sides and (C) reduce the projection requirement to allow for 8" projections to avoid additional square footage increase.

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: _____

TITLE COMPANY LEGAL DESCRIPTION

BEING A TRACT OR PARCEL OF LAND SITUATED IN ROCKWALL COUNTY, TEXAS, BEING PART OF THE KING LATHAM SURVEY, ABSTRACT NO. 133, BEING ALL OF A 31.504 ACRE TRACT OF LAND AS DESCRIBED IN A SUBSTITUTE TRUSTEE'S DEED FROM MARIAH BAY DEVELOPMENT, INC. TO FIRST BANK FARMERSVILLE AS RECORDED IN/UNDER INSTRUMENT NO.:2010-00438848 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR A CORNER AT THE NORTHERNMOST CORNER OF SAID 31.504 ACRE TRACT ON THE SOUTHWEST RIGHT-OF-WAY OF FARM-TO-MARKET ROAD NO. 205, SAID POINT OF BEGINNING BEING THE EXISTING NORTHEAST CORNER TO A 6.063 ACRE TRACT OF LAND AS CONVEYED TO BROOKSHIRE GROCERY CO. AS RECORDED IN/UNDER INSTRUMENT NO.: 2007-00388398 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, SAID POINT OF BEGINNING ALSO BEING AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 15° 02' 34", A RADIUS OF 5600.18 FEET WITH A CHORD BEARING OF S 52° 13' 25" E AND A CHORD DISTANCE OF 1466.09 FEET;

THENCE IN THE SOUTHEASTERLY DIRECTION, ALONG SAID CURVE TO THE RIGHT AND THE SOUTHWEST RIGHT-OF-WAY OF FARM-TO-MARKET ROAD NO. 205, AN ARC LENGTH OF 1470.31 FEET TO A 1/2 INCH IRON ROD SET FOR A CORNER;

THENCE S 44° 42' 08" E ALONG THE SOUTHWEST RIGHT-OF-WAY OF FARM-TO-MARKET ROAD NO. 205, A DISTANCE OF 889.83 FEET TO A 3/8 INCH IRON ROD FOUND FOR A CORNER;

THENCE S 44° 25' 07" W A DISTANCE OF 500.06 FEET TO A 1/2 INCH IRON ROD SET FOR A CORNER, SAID CORNER BEING FURTHER MARKED BY A T-POST FOUND BEARING S 44° 25' 07" W AT A DISTANCE OF 159.12 FEET;

THENCE N 44° 42' 08" W A DISTANCE OF 897.50 FEET TO A 1/2 INCH IRON ROD SET FOR A CORNER, SAID CORNER BEING AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 06° 16' 13", A RADIUS OF 5100.18 FEET WITH A CHORD BEARING OF N 47° 50' 14" W AND A CHORD DISTANCE OF 557.86 FEET;

THENCE IN THE NORTHWESTERLY DIRECTION, ALONG SAID CURVE TO THE LEFT, AN ARC LENGTH OF 558.14 FEET TO A 1/2 INCH IRON ROD SET FOR A CORNER;

THENCE S 45° 54' 49" W A DISTANCE OF 302.32 FEET TO A 1/2 INCH IRON ROD SET FOR A CORNER, SAID CORNER BEING AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08° 23' 25", A RADIUS OF 4800.18 FEET WITH A CHORD BEARING OF N 55° 36' 01" W AND A CHORD DISTANCE OF 702.30 FEET;

THENCE IN THE NORTHWESTERLY DIRECTION, ALONG SAID CURVE TO THE LEFT, AN ARC LENGTH OF 702.93 FEET TO A 1/2 INCH IRON ROD SET FOR A CORNER;

THENCE N 31° 00' 10" E A DISTANCE OF 150.02 FEET TO A 1/2 INCH IRON ROD SET FOR A CORNER AT THE SOUTHEAST CORNER OF SAID 6.063 ACRE TRACT;

THENCE N 30° 27' 13" E ALONG THE EAST LINE OF SAID 6.063 ACRE TRACT, A DISTANCE OF 650.00 FEET RETURNING TO THE POINT OF BEGINNING AND CONTAINING 31.504 ACRES OF LAND.

SAVE AND EXCEPT THAT 0.8788 ACRE TRACT OF LAND DESCRIBED IN JUDGMENT OF COURT IN ABSENCE OF OBJECTION UNDER CAUSE NO. 1-21-0450 IN THE 382ND JUDICIAL DISTRICT COURT, A COPY FILED ON AUGUST 18, 2022 AND RECORDED UNDER CLERK'S FILE NO. 20220000018518, REAL PROPERTY RECORDS, ROCKWALL COUNTY, TEXAS.

METES AND BOUNDS DESCRIPTION

BEING 1.0051 ACRES OF LAND SITUATED IN THE KING LATHAM SURVEY, ABSTRACT NO. 133, IN THE CITY OF MCLENDON—CHISHOLM, ROCKWALL COUNTY, TEXAS, BEING A PART OF THAT CERTAIN 31.504 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO MCLENDON CHISHOLM COMMERCIAL HOLDINGS, INC RECORDED IN INSTRUMENT NO. 2013-00480567, OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, SAID 1.0051 ACRE TRACT OF LAND IS DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH "SUMMIT" PLASTIC CAPPED IRON ROD FOUND ON THE SOUTHWEST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 205 (WIDTH VARIES) AS DESCRIBED IN CONDEMNATION RECORD 1447, DEED RECORDS OF ROCKWALL COUNTY, TEXAS, SAID CAPPED IRON ROD IS ON A CURVE TO THE RIGHT WHOSE RADIUS IS 5,669.63 FEET AND WHOSE RADIUS POINT BEARS SOUTH 29 DEGREES 49 MINUTES 00 SECONDS WEST, SAID CAPPED IRON ROD BEING THE NORTHWEST CORNER OF SAID 31.504 ACRE TRACT, THE NORTHEAST CORNER OF THAT CERTAIN 6.063 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO BROOKSHIRE GROCERY COMPANY RECORDED IN INSTRUMENT NO. 2007-00388398, OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS AND THE NORTHEAST CORNER OF LOT 4, BLOCK 1 OF AMENDING PLAT SH 205/550 ADDITION, A SUBDIVISION RECORDED IN INSTRUMENT NO. 20230000003456, OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE, IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 205, THE NORTHEAST LINE OF SAID 31.504 ACRE TRACT AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02 DEGREES 01 MINUTES 18 SECONDS, 200.04 FEET TO A SET 5/8 INCH "BASELINE CORP." PLASTIC CAPPED IRON ROD, FROM WHICH A 5/8 INCH "TXDOT" PLASTIC CAPPED IRON ROD FOUND ON SAID LINE AND SAID CURVE BEARS SOUTH 57 DEGREES 41 MINUTES 47 SECONDS EAST, 92.07 FEET (CHORD BEARING AND DISTANCE);

THENCE, SOUTH 29 DEGREES 52 MINUTES 06 SECONDS WEST, 216.65 FEET TO A SET 5/8 INCH "BASELINE CORP." PLASTIC CAPPED IRON ROD;

THENCE, NORTH 60 DEGREES 07 MINUTES 54 SECONDS WEST, 200.00 FEET TO A 5/8 INCH "BASELINE CORP." PLASTIC CAPPED IRON ROD SET ON THE NORTHWEST LINE OF SAID 31.504 ACRE TRACT, THE SOUTHEAST LINE OF SAID 6.063 ACRE TRACT AND THE SOUTHEAST LINE OF SAID LOT 4, FROM WHICH A 1/2 INCH IRON ROD FOUND ON THE NORTH RIGHT-OF-WAY LINE OF CATTLE BARRON DRIVE (50 FEET WIDE) AS DEDICATED BY THE PLAT RECORDED IN CABINET H, PAGE 323, PLAT RECORDS OF ROCKWALL COUNTY, TEXAS BEARS SOUTH 29 DEGREES 52 MINUTES 06 SECONDS WEST, 580.00 FEET, SAID 1/2 INCH IRON ROD BEING THE SOUTHEAST CORNER OF SAID LOT 4 AND THE SOUTHWEST CORNER OF SAID 31.504 ACRE TRACT;

THENCE, NORTH 29 DEGREES 52 MINUTES 06 SECONDS EAST, ALONG THE NORTHWEST LINE OF SAID 31.504 ACRE TRACT, THE SOUTHEAST LINE OF SAID 6.063 ACRE TRACT AND THE SOUTHEAST LINE OF SAID LOT 4, 220.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0051 ACRES OF LAND.



BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: December 5, 2023

APPLICANT: Esterly Schneider and Associates
233 S. Patterson
Springfield, MO 65802
For: O'Reilly Auto Enterprises, LLC

LOCATION: A one-acre tract of land immediately adjacent to southside of the Brookshires Grocery property, south of the intersection of SH 205 and FM 550, located within Rockwall CAD PID#83800.

PROPERTY OWNER: McLendon-Chisholm Commercial Holdings
PO Box 369
Rockwall, TX 75087

BOARD OF ADJUSTMENT MEETING – December 13, 2023

REQUEST: The City of McLendon-Chisholm, Texas; Board of Adjustment will hold a public hearing on December 13, 2023 at 6:30 P.M. in the McLendon-Chisholm City Hall located at 1371 West FM 550, McLendon-Chisholm, Texas 75032 to receive public input 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, **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;

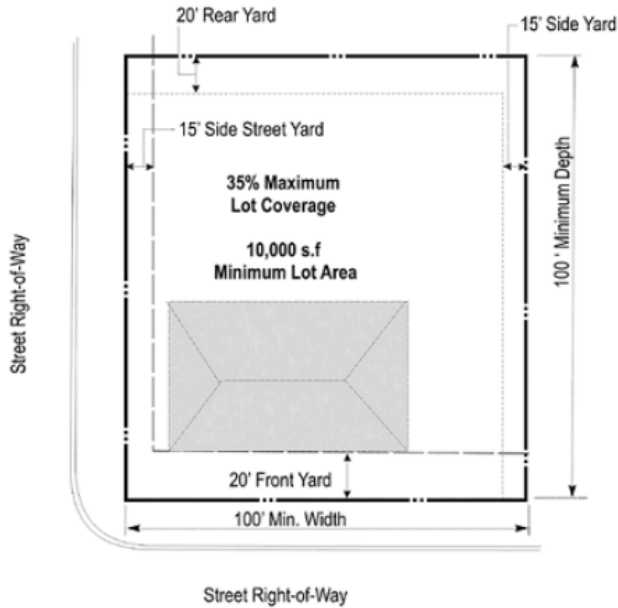
Subsection E.3. Horizontal articulation: This subsection requires that: No building wall shall extend for a distance equal to 3 times the wall's height without having an off-set of 25 percent of the wall's height, and that new plane shall extend for a distance equal to at least 25% of the maximum length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

REPRESENTATIVE: Esterly Scheider and Associates
O'Reilly Auto Parts

STAFF RECOMMENDATION: Approval of both requests.

BACKGROUND INFORMATION:

Zoning: The subject property is zoned GB – General Business. The GB zoning district site requirements are below:



GB - Zoning District Area Requirements	
Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Street Yard	20 ft. Front Street 15 ft. Side Street
Minimum Side Yard	15 ft. abutting Non-Res 25 ft abutting Res.
Minimum Rear Yard	20 ft. abutting Non-Res 25 ft. abutting Res.
Maximum Lot Coverage	35 %
Maximum Building Height	35 ft.

The McLendon-Chisholm Zoning Ordinance, Article 4, Section 4-13 Commercial Development Standards require approval of special exceptions to the requirements of the Commercial Development Standard when the design fails to comply with the requirements of the section. Special exceptions are to be considered by the Board of Adjustment following a public hearing and the Board is required to make a decision on the requests.

The proposed site plan conforms to all other requirements of the Zoning Ordinance.

Elevations of proposed store



Powers of the Board:

Powers and duties of the board.

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.