



**AGENDA
BOARD OF ADJUSTMENT
FEBRUARY 18, 2026**

1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032 6:30 PM

1. CALL TO ORDER
2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS
3. PUBLIC HEARING
4. APPROVAL OF MINUTES
 - 4.1. November 19, 2026 minutes from Board of Adjustments
5. ITEMS FOR DISCUSSION
 - 5.1. Discuss and consider approval of a variance request from Article 6, Subsection 6-3 "Accessory building regulations" Subsection B(2), "General Regulations", of the City of McLendon-Chisholm Code of Ordinances, to allow the existing accessory structure to function as the primary structure and principal use on the lot following demolition of the current primary structure.
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 seek 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 Board of Adjustment of McLendon-Chisholm, Texas was posted or before 5:00 p.m., Feb 11, 2026 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**MINUTES
Board of Adjustment
November 19, 2025**

1371 WEST FM 550 - McLENDON-CHISHOLM, TEXAS 75032 7:00 PM

COUNCIL Gary Nickel David Cross
PRESENT: Melody Osorio Stanley Brothers
Herb Harker

STAFF Fabrice Kabona, City Manager
PRESENT: Angela Jennings, City Secretary
Peyton Sherman, City Planner

1. CALL TO ORDER

Board of Adjustments Chairman, Gary Nickel started the meeting at 7:03

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

Chairman Nickel lead the board in both the US and Texas pledges.

3. PUBLIC HEARING

- 3.1. Public Hearing to receive comments on the consideration of the proposed variance request to the City of McLendon-Chisholm regulations for a reduction of the side yard setback for a primary residential structure on a vacant lot. This property is located at 1253 Wales Drive, McLendon-Chisholm, Texas 75032 in the Kingsbridge Planned Development Community. RCAD Property ID # 71034.

Mr. Nickel opens the first Public Hearing.....

Chris Nixon spoke and wanted to make sure that the plan being approved was the same plan that he and City Planner had spoke about .

Closes the Public Hearing.

- 3.2. Public Hearing to receive comments for a request of variance to the City of

McLendon-Chisholm regulations for a reduction of the side yard setback for a detached garage from 25' to 15' located at 415 Estate Lane, Rockwall Texas, 75032

Public Hearing for item 3.2 opened by Gary Nickel

There were no comments.

Public Hearing closed.

- 3.3. Public Hearing to receive comments on the proposed variance request to the City of McLendon-Chisholm regulations for an additional accessory dwelling unit. The property is located at 103 Rose Marie Lane, Rockwall Texas 75032. RCAD Property ID #60833

Mr. Nickel opens public hearing for Item 3.3

There are no comments

Public Hearing is closed

- 3.4. Public Hearing to receive comments for a proposed variance request to the City of McLendon-Chisholm regulations for a detached dwelling guest house. This property is located at 404 Cattle Barron Drive, Rockwall Texas 75032. RCAD Property ID #85399.

Public Hearing was opened for item 3.4

Mr. Nickel announces that the item was withdrawn by the applicant.

There were no comments.

Public Hearing was closed.

4. APPROVAL OF MINUTES

- 4.1. Minutes for Sept. 10, 2025 Board of Adjustment Meeting

Chairman Nickel asks for a motion to approve the minutes for Sept 10, 2026

RESULT:	Approved
MOTIONED BY:	Stanley Brothers
SECONDED BY:	Herb Harker
FOR:	5
AGAINST:	None
ABSTAIN:	None

5. ITEMS FOR DISCUSSION

5.1. Discuss and consider approval of a variance for a reduction of the required front yard setback for a new single-family residential structure in the Kingsbridge subdivision from 35 feet to 25 feet. Property address is 1253 Wales Dr. Rockwall, Texas 75032. Rockwall CAD Property ID 71035

Chairman Nickel introduces the next item and ask the applicant to present his project.

Applicant tells the board that they need the variance so that they can build the bigger garage with the house because it is a large family.

There were several questions from the Board members that were answered by either the applicant or by the city planner, Peyton Sherman.

There were questions about the site plan and the drawings were explained by Peyton Sherman. There was several minutes of conversation between the board members and more explanation from the applicant.

Mr. Nickel called for a motion to approve.

RESULT:	To Approve
MOTIONED BY:	Melody Osorio
SECONDED BY:	Stanley Brothers
FOR:	5-0
AGAINST:	None
ABSTAIN:	None

5.2. Discuss and consider approval of a variance for an additional dwelling unit on the subject property located at 103 Rose Marie Lane in the Single Family (SF 2.5) Zoning District.

Chairman Nickel explains to the board why the applicant is coming to the board for a variance.

He ask the applicant to come and explain the project. She explains that they want to build the additional ADU for her parents.

Gary Nickel ask the board if they have any questions for the applicant.

There were questions from the board about where the home was going to be located. Applicant approached with a larger survey copy to show the board. During the conversation that took place the applicant introduced a larger home that she had presented to Peyton prior to the plan they were presented with at the meeting.

David Cross asked if there were plans for the first home plans.

The applicant had the set of plans and the board asked how they should change the motion to include the larger dwelling.

Once the applicant decided how she wanted the dwelling to set on the lot the chairman called for a vote. There were several minutes of conversation between the members of the board.

RESULT:	Motion to approve 63
MOTIONED BY:	David Cross
SECONDED BY:	Melody Osorio
FOR:	Unanimous
AGAINST:	None
ABSTAIN:	None

5.3. Discuss and consider approval of a variance in a reduction of the required side yard setback for a detached garage located at 415 Estate Lane in the Heritage Planned Development District from 25 feet to 15 feet.

Chairman Nickel has a few questions about the request. City Planner answers the questions and a motion is called for.

RESULT:	Motion to approve the requested setback
MOTIONED BY:	Herb Harker
SECONDED BY:	David Cross
FOR:	5-0
AGAINST:	None
ABSTAIN:	None

6. ADJOURN

**Melody Osorio makes a motion to adjourn.
Stanley Brothers seconds the motion.
Meeting Adjourned.**

[MIN_SIGNATURES]



City of McLendon-Chisholm

Staff Report

Date: February 18, 2026

Applicant: Cade Smith

Agenda Item: Discuss and consider approval of a variance request from Article 6, Section 6-3, "Accessory Building Regulations," Subsection B(2), "General Regulations," of the City of McLendon-Chisholm Code of Ordinances, to allow the existing accessory structure to function as the primary structure and principal use on the lot following demolition of the current primary structure. Zoned Single Family 2.5. Rockwall Property ID: 11070.

Background:

The subject property is a 10-acre tract located within the Single Family (SF-2.5) Zoning District of the City of McLendon-Chisholm. The existing residential structure on the property is uninhabitable and, as such, does not qualify as a primary structure under the zoning ordinance. Residential districts require the establishment of a primary dwelling prior to the review or consideration of any accessory structure.

The applicant submitted electrical rerouting plans for the existing accessory structure, which initiated a code compliance review of the site. That review identified the absence of a qualifying primary structure and triggered the need for variance consideration. Approval of the variance would allow the accessory structure to function as the sole structure on the lot and be recognized as a permitted nonconforming structure. Any future modification or redevelopment of the property must comply with all applicable SF-2.5 district standards.

Recommendation:

Staff recommends approval of the variance request with conditions:

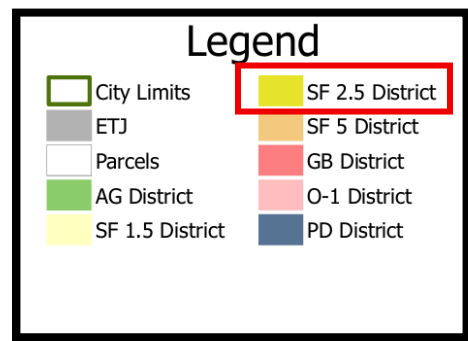
- Primary structure to be demolished within thirty (30) days of the effective date of approval.

Attachments:

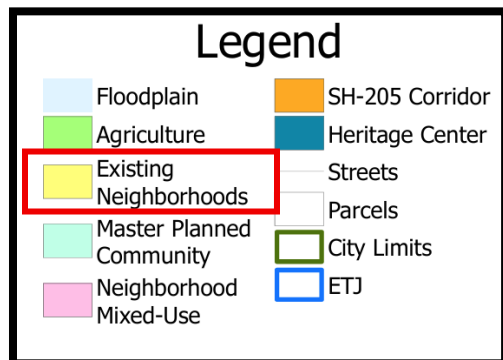
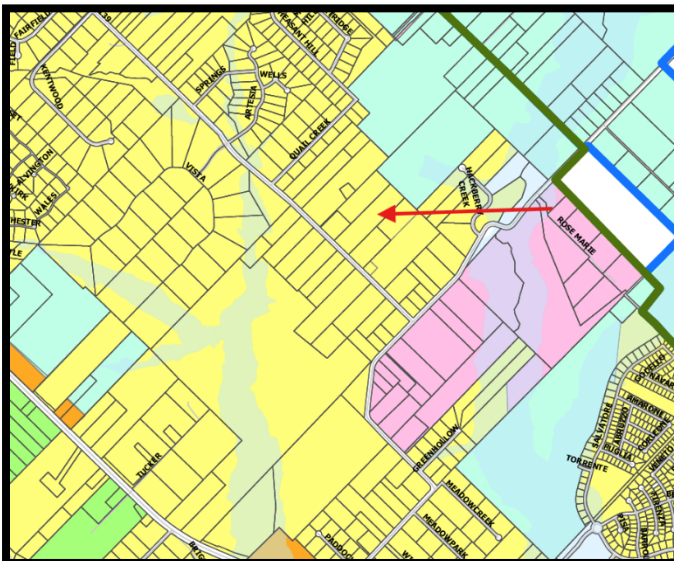
- Application
- Survey
- Existing Conditions

Presenter: Peyton Sherman

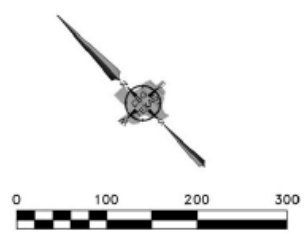
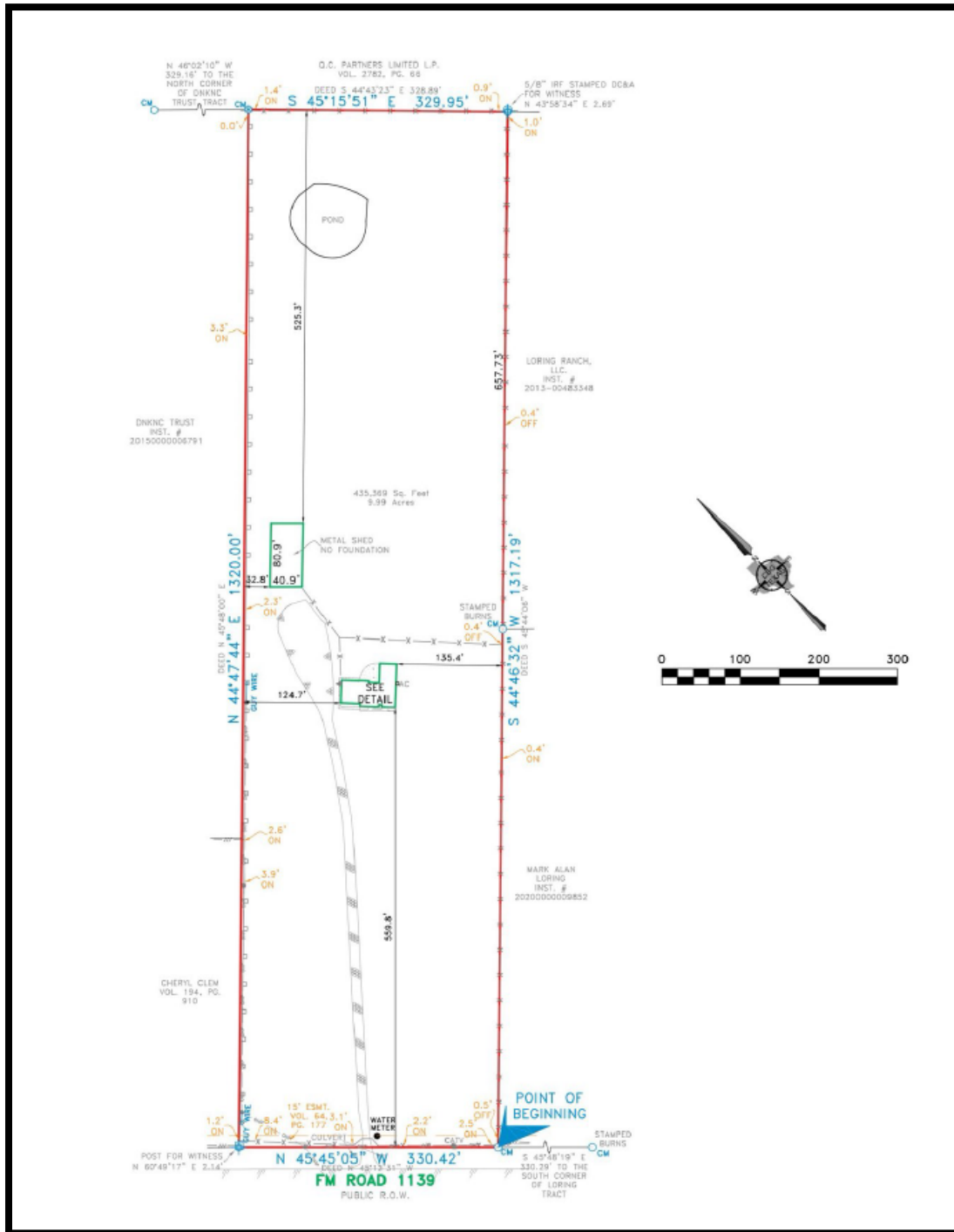
Zoning Map:



Future Land use Map:



Survey:



Enlarged Survey:

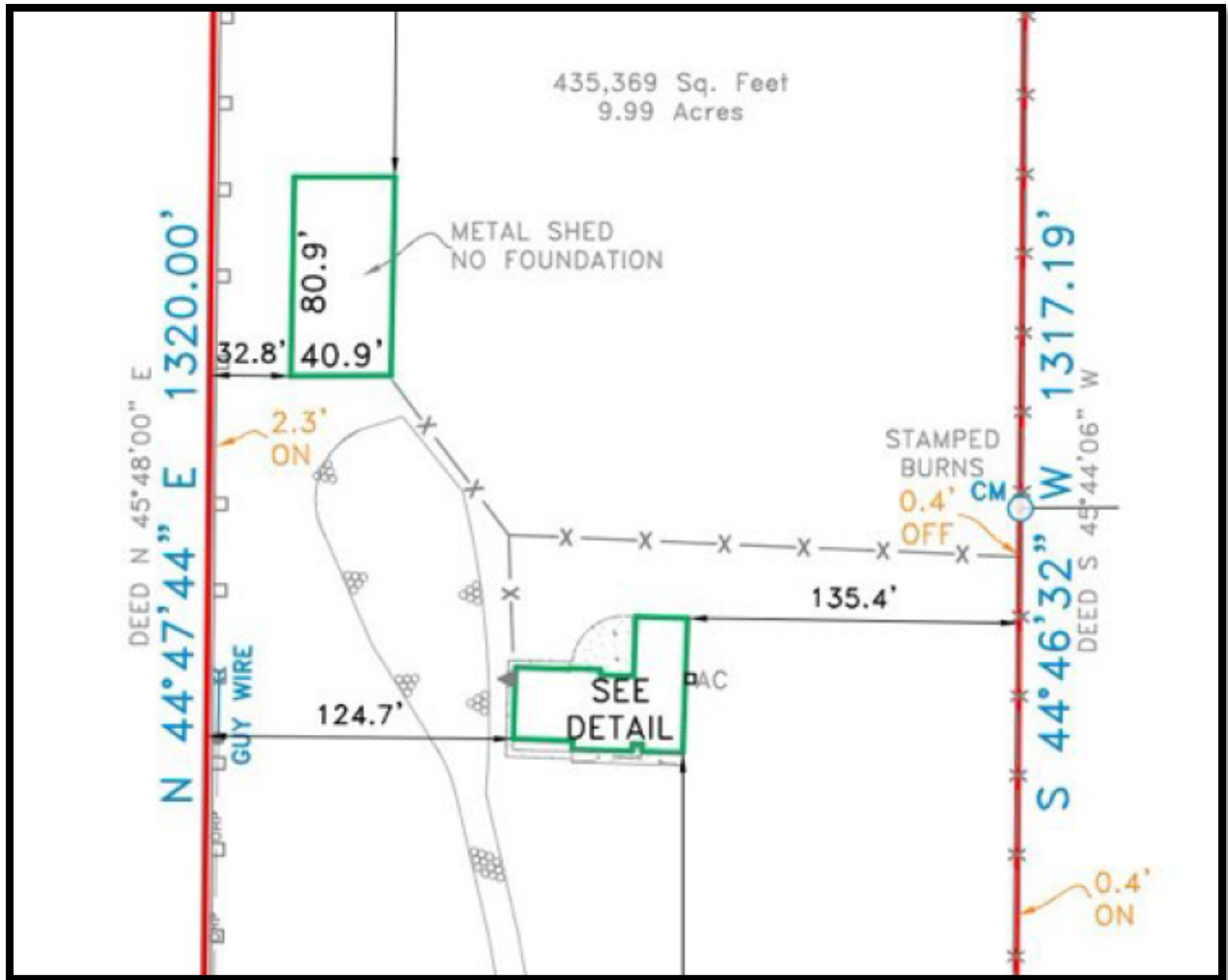


Exhibit 14A. Zoning Ordinance:

Exhibit 14A. Zoning Ordinance: **ARTICLE 6. SUPPLEMENTAL DISTRICT REGULATIONS.**

§ 6-3. Accessory building regulations.

A. Accessory structure definitions. The following definitions shall apply:

Accessory building. Any building customarily incidental to the principal building, including among other things, a garage for parking of vehicles, storage shed, greenhouse, pool cabana or tool storage shed and similar such structures not used for any commercial or dwelling purposes.

Portable building. Any building, which is constructed to be moved on its structure without lifting and minimal damage to the building and anchored to prevent overturning.

Structure. The outside measurement of all roofed area and supporting structural elements of construction for any accessory building. Constructed of conventional commercial kits or conventional wood framed construction meeting the requirements of the city building code as adopted by the City of McLendon-Chisholm.

B. General regulations.

1. In a residence or multifamily district, an accessory building is a subordinate building exceeding 120 square feet of floor area, attached to or detached from the main building, without separate bath or kitchen facilities, (unless used as servants quarters) not used for commercial purposes and not rented.

2. In other districts, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

3. No accessory building shall exceed 25 feet in height, nor shall it be greater in height than the main structure.

C. Area regulations. Area regulations for accessory buildings in residential and multifamily districts:

1. Front yard. Attached front accessory building shall have a front yard not less than the main building or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the rear yard.

2. Side yard. There shall be a side yard not less than 25 feet from any side lot line, alley line, or easement line; except that adjacent to a side street, the side yard shall never be less than 100 feet.

3. Rear yard. There shall be a rear yard not less than 25 feet from any side lot line, alley line, or easement line. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described shall not be located closer than 15 feet to the main building not nearer than 25 feet to any side lot line.

4. Any garage constructed in a residential or multifamily district shall be set back not less than 20 feet from any street or alley line on which it faces.

(Ordinance 2017-22, ex. 2, adopted 12/19/17)

ARTICLE 1. GENERAL PROVISIONS:

§ 1-15. Zoning board of adjustment.

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:

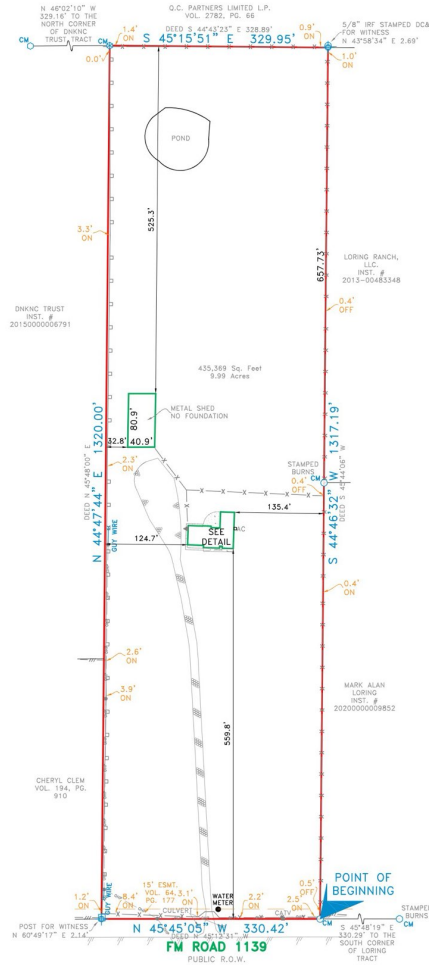
(g) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(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.



FM Road 1139

Being a tract of land situated in the George P. Humphrey Survey, Abstract No. 107, Rockwall County, Texas, same being a tract of land conveyed to Robert L. Pou, III, by deed recorded in Volume 222, Page 198, Deed Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

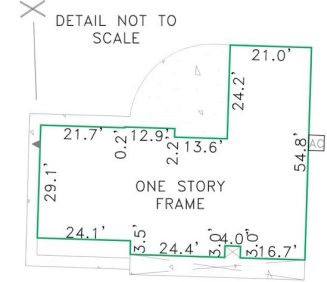
BEGINNING at a 1/2 inch iron rod found for corner, said corner being the West corner of a tract of land conveyed to Mark Alan Loring, by deed recorded in Instrument No. 2020000009852, Official Public Records of Rockwall County, Texas, and being in the Northeast line of FM Road 1139 (a Public right-of-way), from which a 1/2 inch iron rod stamped "Burns" found for witness bears South 45 degrees 48 minutes 19 seconds East, a distance of 330.29 feet;

THENCE North 45 degrees 45 minutes 05 seconds West, along the Northeast line of said FM Road 1139, a distance of 330.42 feet to a point for corner, said corner being the South corner of a tract of land conveyed to Cheryl Clem, by deed recorded in Volume 194, Page 910, Deed Records of Rockwall County, Texas, from which a post found for witness bears North 60 degrees 49 minutes 17 seconds East, a distance of 2.14 feet;

THENCE North 44 degrees 47 minutes 44 seconds East, along the Southeast line of said Clem tract, a distance of 1320.00 feet to a 3/8 inch iron rod found for corner, said corner being the East corner of a tract of land conveyed to DNKC Trust, by deed recorded in Instrument No. 2015000006791, Official Public Records of Rockwall County, Texas, and being in the Southwest line of a tract of land conveyed to Q.C. Partners Limited L.P., by deed recorded in Volume 2782, Page 66, Deed Records of Rockwall County, Texas, from which a 1/2 inch iron pipe found for witness bears North 46 degrees 02 minutes 10 seconds West, a distance of 329.16 feet;

THENCE South 45 degrees 15 minutes 51 seconds East, along the South line of said Q.C. Partners Limited tract, a distance of 329.95 feet to a point found for corner, said corner being the Northwest corner of a tract of land conveyed to Loring Ranch, LLC, by deed recorded in Instrument No. 2013-00483348, Official Public Records of Rockwall County, Texas, from which a 5/8 inch iron rod stamped "DC&A" found for witness bears North 43 degrees 58 minutes 34 seconds East, a distance of 2.69 feet;

THENCE South 44 degrees 46 minutes 32 seconds West, along the West line of said Loring Ranch tract, a distance of 1317.19 feet to the POINT OF BEGINNING and containing 435,369 square feet or 9.99 acres of land.



SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor hereby certifies to Wesley Cade Smith and Ashley Shannon Smith, Austin Bank and National Title Latthram Pou and Associates, in connection with the transaction described in G.F. 782200808 that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 16th day of June, 2022

Matthew P. Schmitt
Registered Professional Land Surveyor



NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN VOL. 64, PG. 177, VOL. 77, PG. 346, VOL. 81, PG. 528

NOTES: BEARINGS SHOWN ARE BASED ON NAD 83 TEXAS NORTH CENTRAL ZONE. EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

NOTE: According to the F.J.R.M. in Map No. 48397C0110L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone. ACCEPTED BY: _____ SIGNATURE _____ DATE _____

REVISIONS		
DATE	BY	NOTES

LEGEND	
○	CONTROLLING MONUMENT
○	1/2" IRON ROD FOUND
○	1/2" IRON ROD SET
○	1/2" IRON PIPE FOUND
○	3/8" ROD FOUND
□	FENCE POST CORNER
⊗	"X" FOUND / SET
▲	UNDERGROUND ELECTRIC OVERHEAD ELECTRIC
●	POWER POLE
■	POOL EQUIPMENT
■	COLUMN
■	AIR CONDITIONING
■	FIRE HYDRANT
■	COVERED PORCH/DECK OR CARPORT
■	CONCRETE PAVING
■	GRAVEL/ROCK ROAD OR DRIVE
—	ASPHALT PAVING
—	CHAIN LINK FENCE
—	WOOD FENCE
—	6" WIDE FENCE
—	BARBED WIRE
—	IRON FENCE
—	PIPE FENCE
—	OVERHEAD ELECTRIC SERVICE
—	OVERHEAD POWER LINE
—	CONCRETE FOUNDATION
—	WOOD FENCE

1413 E. HWY-50, S/W 7
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Firm No. 10158800
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CBG
SUBSERVICED BY
CONCRETE FOUNDATION

SCALE: 1" = 100'
DATE: 06/16/2022
JOB NO.: 2212056
G.F. NO.: SEE ABOVE
DRAWN: JCM

METES AND BOUNDS
GEORGE P. HUMPHREY SURVEY, ABSTRACT NO. 107
ROCKWALL COUNTY, TEXAS
FM ROAD 1139
Page 13 of 15

Exhibit 14A. Zoning Ordinance

ARTICLE 6. SUPPLEMENTAL DISTRICT REGULATIONS

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(Ordinance 2017-22, ex. 2, adopted 12/19/17)