



**AGENDA
BOARD OF ADJUSTMENT
JULY 22, 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
 - 3.1. This Public hearing is to receive comments on the request for a variance to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the required side yard setback from 25 feet to 15 feet for the construction of a detached accessory building. The subject property is zoned Agricultural (AG), consists of approximately 1.0 acre, and is legally described as Lot 17, Block E, Heritage Phase Three Addition, City of McLendon-Chisholm, Rockwall County, Texas, and is located at 407 Estate Lane, McLendon-Chisholm, Texas 75032.
 - 3.2. This public hearing is to receive comments on a request for a variance to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the required side yard setback from 25 feet to 15 feet for the construction of a detached accessory building. The subject property is zoned Agricultural (AG), consists of approximately 1.0 acre, and is legally described as Lot 18, Block E, Heritage Phase Three, an Addition to the City of McLendon-Chisholm, Rockwall County, Texas, and is located at 403 Estate Lane, McLendon-Chisholm, Texas 75032.
 - 3.3. This public hearing is to receive comments on a request for a variance to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the required side yard setback from 25 feet to 10 feet for the construction of one detached garage on one residential lot. The subject property is zoned Single Family 1.5 (SF-1.5) and is located at 521 Highwater Crossing, Rockwall Texas, also described as Lot 25, Block c, Chisholm-Crossing Phase IV Addition.
4. APPROVAL OF MINUTES

- 4.1. Consider approval of Minutes from June 17 2026 Board of Adjustment meeting.

5. ITEMS FOR DISCUSSION

- 5.1. Discuss and consider approval of a request for a variance to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the required side yard setback from 25 feet to 15 feet for the construction of a detached accessory building. The subject property is zoned Agricultural (AG). The subject property is located at 407 Estate Lane, McLendon-Chisholm, Texas, and is legally described as Lot 17, Block E, Heritage Phase Three Addition.
- 5.2. Discuss and consider a request for a variance to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the required side yard setback from 25 feet to 15 feet for the construction of a detached accessory building on property zoned Agricultural (AG). The subject property is located at 403 Estate Lane, McLendon-Chisholm, Texas and is legally described as Lot 18, Block E, Heritage Phase Three.
- 5.3. Discuss and consider a request for a variance to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the required side yard setback from 25 feet to 10 feet for the construction of one detached garage on one residential lot. The subject property is zoned Single Family 1.5 (SF-1.5), consists of approximately 1.3 acres, and is legally described as Lot 25, Block C, Chisholm Crossing Phase IV Addition, City of McLendon-Chisholm, Rockwall County, Texas, and is generally located at 521 Highwater Crossing, Rockwall, Texas 75032.
- 5.4. Discuss and consider recommending approval to the City Council of an ordinance amending the City of McLendon-Chisholm Code of Ordinances to establish criteria for the Board of Adjustment when considering requests for variances.

6. ADJOURN

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., July 15, 2026 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



City of McLendon-Chisholm Staff Report

Date: July 22, 2026

Agenda Item: Discuss and consider approval of a variance request to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the required 25-foot side yard setback to 15 feet for the construction of a detached accessory building on property zoned Agricultural (AG). The subject property is located at 407 Estate Lane, McLendon-Chisholm, Texas, and is legally described as Lot 17, Block E, Heritage Phase Three Addition.

Background:

The applicant, Ms. Cadie Calvert, is requesting a variance to allow the construction of a detached accessory building with a reduced side yard setback on the subject property located at 407 Estate Lane. The property is zoned Agricultural (AG). The applicant proposes reducing the required 25-foot side yard setback to 15 feet to accommodate the proposed detached accessory building.

According to the application, the requested variance is to allow construction of a detached accessory building while maintaining an appropriate layout for the property. The site plans submitted with the application show the proposed building location in relation to the existing residence, driveway, property lines, and the on-site septic system and spray field. These existing site improvements limit the available area for construction while maintaining compliance with all applicable setbacks.

Public Information Considerations :

A notice of public hearing appeared in the Rockwall County Herald-Banner and Royse City Herald-Banner. Staff mailed notices to property owners within 200 feet of the subject site. Staff received no letters of support or opposition.

Options/Alternatives:

1. The BoA may approve the variance request, as presented.
2. The BoA may deny the variance.

Recommendation:

Staff recommend approval of the variance request, as presented.

Attachments:

- Application
- Property survey
- Site plan
- Building elevations

Presenter: Fabrice Kabona, City Manager



*Gadie. Calvert@gmail.com

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

APPLICATION DATE: 6-2-24 CASE #: _____

APPLICANT NAME: Gadie Calvert

ADDRESS: 407 Estate Ln PHONE NO.: (817) 757-8771

DESCRIPTION OF PROPERTY LOT NUMBER: 17 BLOCK NUMBER: E

LEGAL DESCRIPTION OF PROPERTY: HERITAGE PHASE THREE
BLK E LOT 17

ADDRESS OF PROPERTY: 407 Estate Ln McLendon Chisholm TX 75032

REASON FOR REQUEST: Request for a variance to
allow a 15-foot side yard setback for
a proposed detached accessory building

SIGNATURE OF APPLICANT Gadie Calvert

Application Fee: \$500.00

DATE/AMOUNT PAID: 060426 ✓ check # 101

RECEIPT #: 168496

FOR CITY USE ONLY

DATE AND TIME OF MEETING SCHEDULED _____

REQUEST FOR VARIANCE GRANTED/DENIED.

IF DENIED, REASON: _____

CHECKLIST FOR BOARD OF ADJUSTMENT APPLICANT

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

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

Names and Addresses of Legal Property Owners within 200 feet of property:

1. JOHNSON MICHAEL DAVID & JESSICA C
403 ESTATE LN
MCLENDON-CHISHOLM TX 75032
2. NGUYEN TIN THOMAS & LE THUY DINH DANG
411 ESTATE LN
MCLENDON-CHISHOLM TX 75032
3. CRINER MICHAEL PAUL & ABIGAIL MAY
304 BESTOWAL LN
MCLENDON-CHISHOLM TX 75032
4. PHILIPS JESSE ALAN & GRECIA
308 BESTOWAL LN
MCLENDON-CHISHOLM TX 75032
5. ROGERS JAMES E JR & CAROL
312 BESTOWAL LN
MCLENDON-CHISHOLM TX 75032
6. SMITH BRYAN & LILIANA SMITH
415 ESTATE LN
MCLENDON-CHISHOLM TX 75032
7. BROWN KEVIN DEWAYNE & ANGEL NICOLE
404 ESTATE LN
MCLENDON-CHISHOLM TX 75032
8. HUNTER NINA & BRANDON
408 ESTATE LN
MCLENDON-CHISHOLM TX 75032
9. THOMAS LINDA MARY & JEFFRIN ANNICATTU JOSE
412 ESTATE LN
MCLENDON-CHISHOLM TX 75032

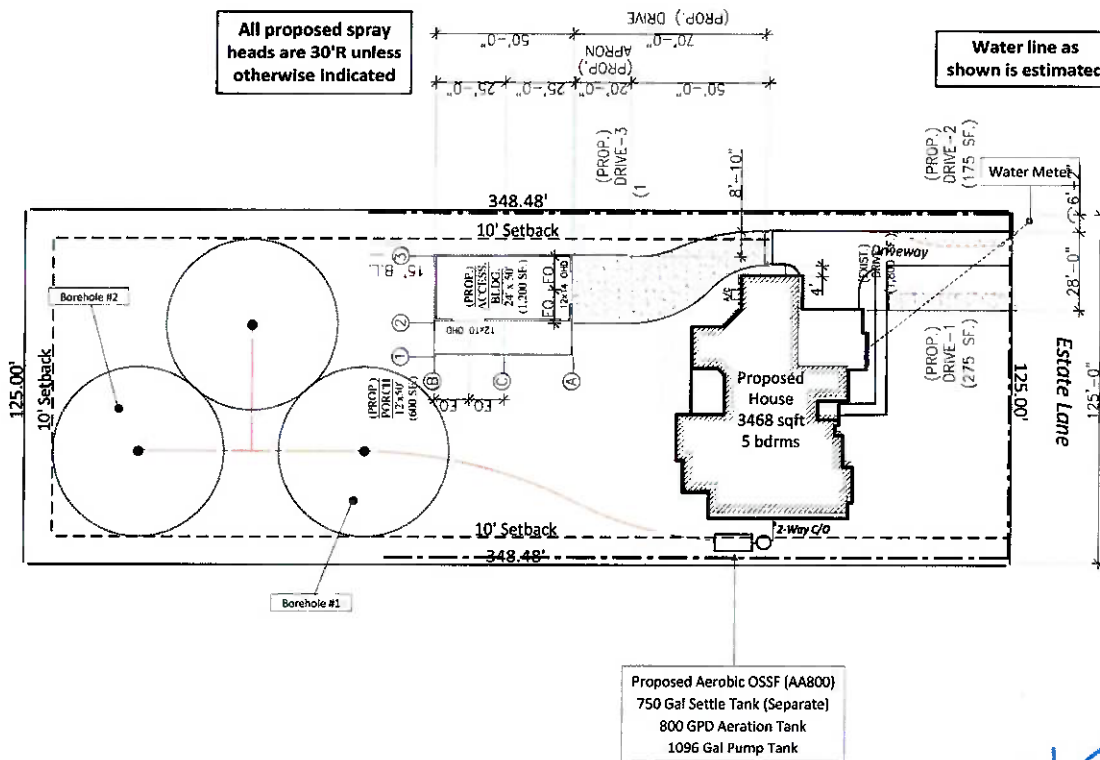




Designer: Nathan Adams / RSH 5082 & SEN OS0036228
Site Evaluator: Jim Adams / RSH 4298 & SEN OS0028299
Design/Revision Date: 3/4/2025

Owner:
Altura Homes

Project Location: 407 Estate Lane
McLendon Chisholm, TX 75032
Installer: White Eagle Water Systems



[Signature]
03/04/2025

Legend:

A.F.F.	ABOVE FINISH FLOOR
F.F.	FINISH FLOOR
F.G.	FINISH GRADE
F.O.	FRAMED OPENING
FR. DR.	FRENCH DOORS
O.H.D.	OVERHEAD DOOR
PRO.P.	PROPOSED
TYP.	TYPICAL
UNLESS NOTED	
U.N.	UNLESS NOTED
E.J.	EXPANSION JOINT
E/E.T.R.	EXISTING
---	PROPERTY LINE
---	BUILDING LINE
---	SET IRON ROD
(EXIST.)	WOOD FENCE
(U.G.E.)	UNDERGROUND ELECTRICAL
(EXIST.)	DOMESTIC WATER
(PROP.)	CONCRETE PAVING

×	ELEVATION (FEET) EXIST.
+	ELEVATION (FEET) PROP.
○ C.O.	CLEAN OUT W/BACK FLOW
○ M.C.	METER CAN
○ P.O.A.	POINT OF ATTACHMENT
○ P.P.	POWER POLE
○ W.M.	WATER METER
→	DRAINAGE SWALE 'A'
→	FINAL GRADE
→	SLOPE LINE (1% GRADE)
→	DRAINAGE SWALE (EXIST.)

0.0000	
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+	0.0000
○ C.O.	CLEAN OUT W/BACK FLOW
○ M.C.	METER CAN
○ P.O.A.	POINT OF ATTACHMENT
○ P.P.	POWER POLE
○ W.M.	WATER METER
→	DRAINAGE SWALE 'A'
→	FINAL GRADE
→	SLOPE LINE (1% GRADE)
→	DRAINAGE SWALE (EXIST.)

RESID. F.F.	RESIDENCE FINISH FLOOR
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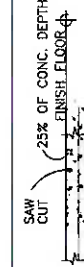
- SITE GRADING:**
- LOT SHALL BE GRADED TO PROVIDE A POSITIVE DRAINAGE PATH AWAY FROM PROPOSED FOUNDATION. THE FALL SHALL BE A MINIMUM 6" INCHES IN THE FIRST 10 FEET 5% SLOPE.
 - WHERE LOT LINES OR OTHER PHYSICAL BARRIERS PREVENT SLOPING AWAY FROM THE PROPOSED STRUCTURE AT A MINIMUM OF 5% FOR 10 FEET (6 INCHES) SLOPE AWAY AT A MINIMUM OF 5% INTO A SWALE THAT IS SLOPED TO PROVIDE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
 - THE FINISHED FLOOR ELEVATION SHALL BE AT LEAST 12 INCHES ABOVE THE HIGHEST ELEVATION OF THE BOTTOM OF DRAINAGE SWALE.
 - FINISH FLOOR ELEVATION SHALL BE 12 (MIN.) INCHES ABOVE THE NEAREST SANITARY SEWER MANHOLE OR 4 (MIN.) INCHES ABOVE CROWN OF THE STREET.
- DRIVEWAY NOTES:**
- LAYOUT WILL BE CONSISTENT WITHIN THE RIGHT OF WAY AND CAN TAPER OR FLARE INTO DESIRED WIDTH INSIDE THE PROPERTY LINE.
 - DRIVEWAY WILL REMAIN TANGENTIAL FOR A MINIMUM OF 20 FT. PAST THE PROPERTY LINE.
 - RADIUS WILL NOT ENCRoACH ON ADJUTING PROPERTY OR CORNER RADIUS.
 - 4" MIN. RADIUS, 12" MIN. DRIVE LENGTH.
 - WATER METER, 2 FT. MAX. DISTANCE AWAY FROM THE DRIVEWAY.
- CONCRETE DRIVEWAY PAVING:**
- SUB-GRADE SOIL SHALL BE COMPACTED TO 98 PERCENT DENSITY.
 - 4" THICK 3,500 PSI CEMENT SUPPORT BASE UNDER REBAR FOR EVEN DEPTH OVER FOUNDATION LIMIT.
 - REINFORCEMENT 2 OPTIONS:
 - 1) 6"x6"x #3 REBAR MESH
 - 2) #6 GA. WELDED WIRE MESH
 - CONTROL JOINTS (20' MIN. O.C.) NO LATER THAN 12 HOURS AFTER CONCRETE POUR.

Lot Coverage Calculations:

(IMPERVIOUS COVERAGE ON PRIVATE PROPERTY)

AREA OF COVERAGE:	EXIST.	PROP.	FINAL
RESIDENCE & GARAGE:	4,679	1,200	4,679
ACCESSORY BLDG. (P.E.M.B.):		600	1,200
ACCESSORY BLDG. (PORCH):		372	600
COVERED PATIO:	200		572
FRONT PORCH:	55		55
CONCRETE WALK:	100		100
CONCRETE DRIVE:	1,800	1,050	2,850
	6,843	3,222	10,065

TOTAL COVERAGE: 10,065 SF.
TOTAL AREA OF LOT: 43,560 SF.
LOT COVERAGE AREA: 10,065 / 43,560 X 100
= 23.1%



25% OF CONC. DEPTH
FINISH FLOOR

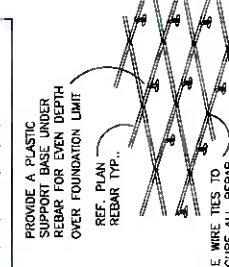
1/2" SOLID ASPHALT BOARD
3" MIN. FROM FINISH FLOOR
EXCEPT W/ WALK & OVERHEAD DOORS



3/4" X 18" D.C.
DOWEL, 12" O.C.

Paving @ Carport

ENGINEER'S NOTE:
I, RODNEY SLATON, P.E., CFM, PRESIDENT/CHIEF ENGINEER OF TRINITY BAY ENGINEERING, CERTIFY THE PROPOSED FOUNDATION PLAN COMPLIES WITH THE CURRENT BUILDING REQUIREMENTS OF THE 2021 IRC (INTERNATIONAL RESIDENTIAL BUILDING CODE) AND THE DESIGN REQUIREMENTS OF THE ACI (AMERICAN CONCRETE INSTITUTE) PUBLISHED ACI 318-19.

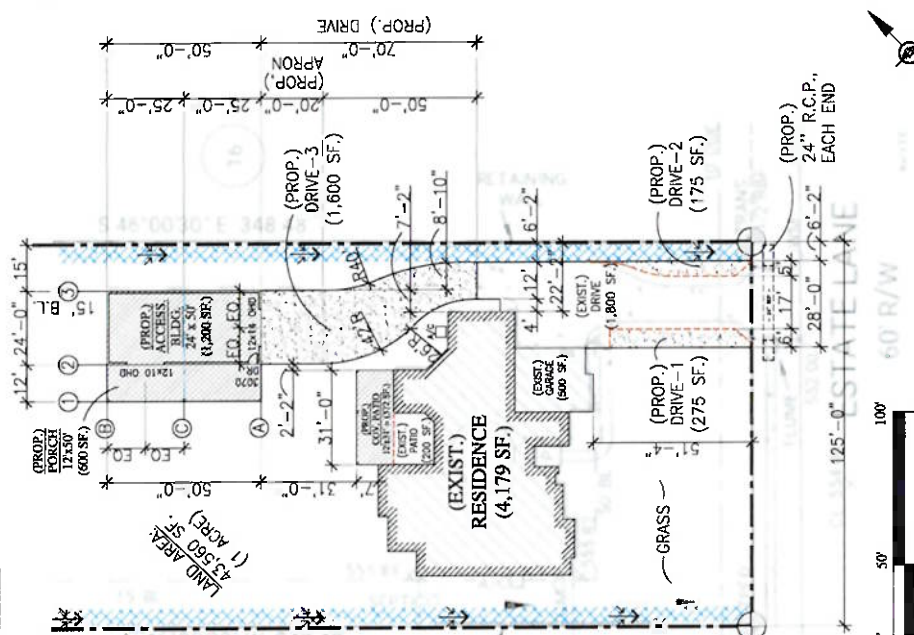


USE WIRE TIES TO SECURE ALL REBAR CROSS CONNECTIONS

Rebar Layout Diagram

Drawing Index:

SP1	CONSTRUCTION SITE PLAN
F1	FOUNDATION PLAN (PROP. BLDG.)
F2	FOUNDATION PLAN (PATIO ADD'N.)



Construction Site Plan

0 25' 50' 100'

DESIGN:
Billy Jack Talton, Jr.
1906 Du Barry Lane
Houston, TX 77018
713.320.9780
billyjackson@bnetmail.com

ENGINEER:
TRINITY BAY ENGINEERING
911 S. 8th STREET
LA PORTE, TEXAS 77571
TYPE # 16351

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY EXAMINER, P.E. ON 03/10/2021.

General Contractor:
MERIT CONSTRUCTION
Brian Harris
214-213-2124
brian@merit-cg.com

Owner/Project Location:
Cadie Calvert
407 Estate Lane
McClendon, TX 75032
Rockwell County Texas

Project Foundation Plans:
(PROP.) ACCESSORY BLDG.:
P.E.M.B. - 24' x 50' = 1,200 sf.
PORCH - 12' x 30' = 360 sf.
(EXIST.) RESIDENCE ADD'N:
COV. PATIO - 12' x 31' = 372 sf.
CONC. DRIVE - 12' x 3 = 2,000 sf.

Issued:
OWNER APPROVAL - 02: 05.18.26
ENGINEERING: 05.19.26

FILE: (BAH-14)
SHEET SCALE:
1" = 40'-0"

SHEET:
SP1

1. VERIFY ALL DIMENSIONS AND ELEVATIONS OF EXISTING FOUNDATION, WALLS, PILES, LEDGES AND STEPS WITH ARCHITECTS BEFORE COMMENCEMENT OF FORM WORK.

2. CONCRETE SHALL NOT BE PLACED IN FREEZING OR RAINY WEATHER.

3. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH A30318 WITH LATEST REVISIONS.

4. CRUSHED STONE AND GRAVEL CONCRETE SHALL HAVE MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4,000 PSI.

5. ALL CONCRETE EXPOSED TO WEATHER SHALL BE REINFORCED. REINFORCING STEEL SHALL BE ASTM A615.

6. REINFORCING STEEL SHALL BE 3/8" DIA. GRADE 60 WITH 3/32" DEFORMATIONS. DETAIL, FABRICATED AND INSTALLED PER ACI "MANUAL OF CONCRETE CONSTRUCTION" PRACTICE FOR DETAILING REINFORCING CONCRETE" ACI-303 LATEST REVISION.

7. WELDED SMOOTH WIRE FABRIC SHALL CONFORM TO ASTM A-185.

8. REINFORCING STEEL MINIMUM COVERAGE SHALL BE 3" FOR 3" SIDES & 2" TOP.

9. CHAMFER ALL EXPOSED EDGES 3/4" AT 45 DEGREES.

10. HOLES FOR DRILLED FOOTINGS SHALL BE PLUMB AND FREE OF ALL LOOSE MATERIALS AND WATER. CONCRETE AND REINFORCING SHALL BE PLACED IMMEDIATELY AFTER EXCAVATION.

11. PROVIDE CORNER BARS IN THE OUTSIDE FACE OF EXTERIOR GRADE BEAMS TO MATCH THE PLACEMENT OF STEEL AT ALL RE-ENTRANT CORNERS. PLACE ANCHORED TIES IN THE SLAB. TIES SHALL BE 4" DIA. WELDED SMOOTH WIRE FABRIC.

12. REINFORCING SHALL BE REQUIRED BELUCATED OR LEFT IN PLACE AS DIRECTED BY ENGINEER.

13. BARS DETAILD AS CONTINUOUS SHALL BE LAPPED 50 BAR DIAMETER AT SPLICES. THE SPLICES SHALL OCCUR AT MID-SPAN FOR TOP BARS AND OVER THE SUPPORTS FOR BOTTOM BARS.

14. ALL CONSTRUCTION SHALL CONFORM TO CURRENT CITY BUILDING CODE.

15. FOOTING DESIGN BASED ON ALLOWABLE SOIL BEARING PRESSURE. VIBRATION AND COMPACTION SHALL BE PER SOI REPORT.

16. THE GENERAL CONTRACTOR SHALL EXAMINE THE MECHANICAL DRAWINGS FOR REQUIRED MECHANICAL WORK TO BE PLACED IN CONCRETE. THIS CONTRACTOR SHALL NOTIFY AND RECEIVE PERMISSION FROM THE STRUCTURAL ENGINEER FOR THE PLACING OF SLEEVES, PIPES OR OTHER MATERIALS.

18. ALL PIPES GOING THROUGH EXTERIOR GRADE BEAMS SHALL BE SLEAVED. ALL PIPES SHALL BE SIZED AT MID DEPTH OF GRADE BEAM.

19. SIZE OF SLEEVES SHALL NOT EXCEED 1/3 OF OVERALL THICKNESS OF GRADE BEAM. SPACING OF DIAMETERS ON CENTER.

20. THE ENGINEER SHALL NOT BE LIABLE FOR ANY FOUNDATION REVISION OR CHANGES FROM THE ARCHITECTS, CONTRACTORS OR OWNERS WITHOUT WRITTEN APPROVAL FROM THE ENGINEER.

21. CURE ALL CONCRETE IMMEDIATELY AFTER FINISHING WITH APPROVED CHEMICAL CURING COMPOUND.

22. IF ANY TREES THAT ARE REMOVED WITHIN 25 FEET PROXIMITY TO THE FOUNDATION WITHIN 6 MONTHS BEFORE POURING THE CONCRETE WILL REQUIRE AN ENGINEERS APPROVAL. NOTIFY THE ENGINEER. ANY TREES THAT ARE NOT MENTIONED IN THE DESIGN DOCUMENTS BEFORE THE FOUNDATION IS BUILT, FAILURE TO MAKE SUCH NOTIFICATION SHALL VOID ANY LIABILITY BY ENGINEER.

Rebar Top & Bottom

Top view showing rebar layout with dimensions: 2'-10" and 2'-10".

Corners & Intersections

Detail of corner and intersection reinforcement.

Control Joint

Section view showing control joint details:

- SAW CUT
- 25% OF CONC. DEPTH
- FINISH FLOOR
- 1/2" SOLID ASPHALT BOARD MIN FROM FINISH EXCEPT W/ WALL & OVERHEAD DOORS

Paving @ Carport

Plan view showing paving area with dimensions: 3'4" x 18" O.C., 1/2" MIN. SPACE, and 1/2" HOLE W/ REBAR TYP..

COLUMN AS SCHEDULED

FINISH FLOOR

12"

24"

RE: GRADE BEAM NOTES

COLUMN AS SCHEDULED

CONCRETE SLAB:
 5" THICK, 3,500 PSI
 CONCRETE W/ #3 REBAR @
 16" O.C.E.W.

ANCHOR BOLT:
 GALV ANCHOR
 BOLT, 8" (MIN.)
 PROJECTION INTO
 SLAB

**5-1/2" BRICK
 LEJSE, RE: PLAN
 FOR EXACT LOCATION**

FIN. FLR.

FINAL GRADE

2" SAND

12"

**COMPACTED
 SELECT FILL**

**UNDISTURBED
 SOIL**

**6 MIL.
 POLYETHYLENE
 VAPOR BARRIER**

**GRADE BEAM:
 (4) #4 REBAR,
 3" STIRRUPS
 @ 24" O.C.**

14"

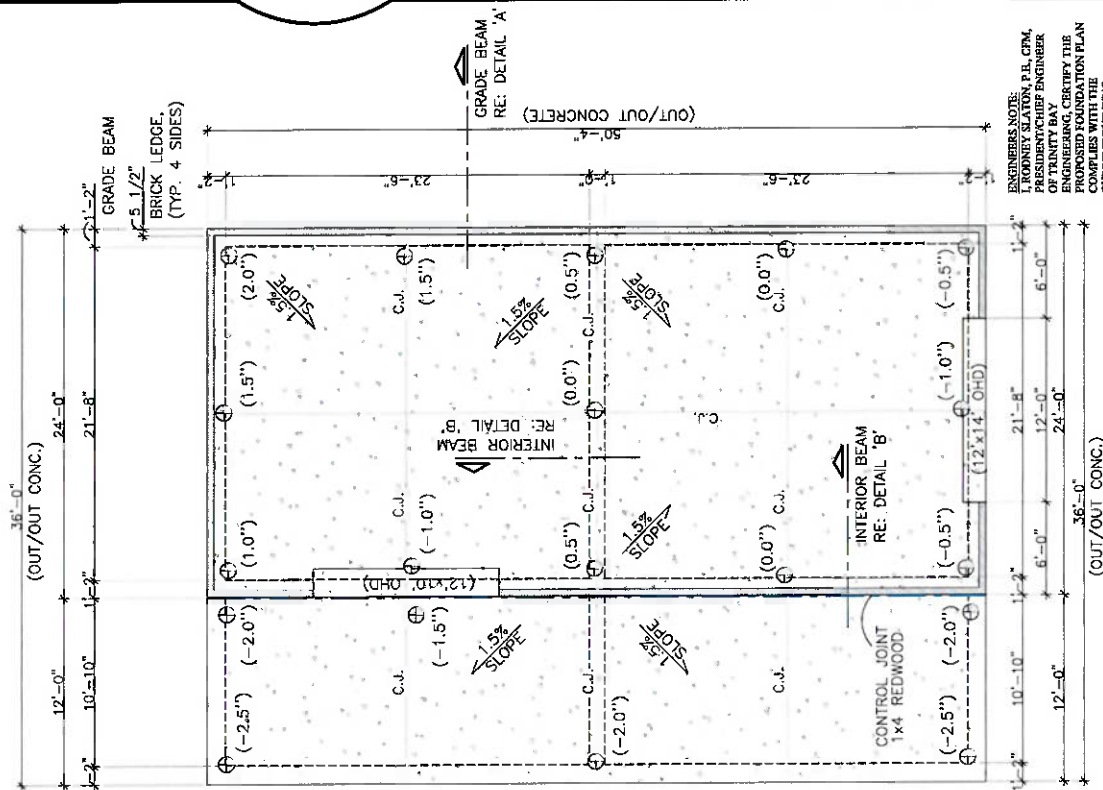
24"

(1) PLAN FOR EXACT LOCATION

Grade Beam - Detail 'A'

ENGINEERS NOTE:
I, ROONEY SLATON, P.E., CFM,
PRESIDENT/CHIEF ENGINEER
OF TRIMITY BAY
ENGINEERING, CERTIFY THE
PROPOSED FOUNDATION PLAN
COMPLIES WITH THE
CURRENT BUILDING
REQUIREMENTS OF THE 2021
IRC (INTERNATIONAL
RESIDENTIAL BUILDING
CODE) AND THE DESIGN
REQUIREMENTS OF THE ACI
(AMERICAN CONCRETE
INSTITUTE) PUBLISHED ACI
318.16

DESIGN: Billy Jack Talton, Jr. 1906 Du Barry Lane Houston, TX 77016 713.326.9780 bjtaylor@taltonjr.com	ENGINEER: TRINITY BAY ENGINEERING 911 S. 8th STREET LA PORTE, TEXAS 77571 TBPE # 18351		THE SEAL APPEARS ON THIS DOCUMENT AS AUTHORIZED BY ENGINEER, P.E. ON 03/18/2016	General Contractor: MERIT CONSTRUCTION <i>Brian Harris</i> 214-213-2124 brian@merit-cg.com	Owner/Project Location: Cadie Calvert 407 Estate Lane McAllen, Chandler, TX 79532 Rockwall County Texas LOT 17, BLOCK E, PHASE 2 HERITAGE SUBDIVISION cadie.calvert@gmail.com
				Project FOUNDATION PLANS: (PROP.) ACCESSORY BLDG.: P.E.M.B. - 24' x 50' = 1,200 sf. PORCH - 12'-50" = 600 sf. (EXIST.) RESIDENCE ADD'VE CON. PATIO - 12'-31" = 372 sf. CONC. DRIVE-12.3 = 2,050 sf.	
Issue: OWNER APPROVAL -02: 05.18.26 ENGINEERING: 05.19.26			FILE: (B.H.-14) SHEET SALE: 1/8" = 1'-0" SHEET:		



407 Estate Ln Rockwall TX

Customer: Cadie Calvert

Detached Garage Material

-8" i-beam columns

-10" i-beam Rafters

-8" sidewall girt/purlin

-8" purlin roof supports

-26G PBR panels on side walls 40yr man. Warranty

-26G commercial grade trim on build

-Osb decking on roof, with underlayment, singles to match home

-Stone wainscot around build 4', Brick above stone on front face of build

-Commercial grade sectional garage doors matching home



City of McLendon-Chisholm Staff Report

Date: July 22, 2026

Agenda Item: Discuss and consider approval of a variance request to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the required 25-foot side yard setback to 15 feet for the construction of a detached accessory building on property zoned Agricultural (AG). The subject property is located at 403 Estate Lane, McLendon-Chisholm, Texas, and is legally described as Lot 18, Block E, Heritage Phase Three Addition.

Background:

The applicant, Mr. Michael Johnson, is requesting a variance to allow the construction of a detached accessory building with a reduced side yard setback on the subject property located at 403 Estate Lane. The property is zoned Agricultural (AG). The applicant proposes reducing the required 25-foot side yard setback to 15 feet to accommodate the construction of the proposed detached accessory building.

According to the application, the requested variance is to allow the accessory building to be constructed on the 15-foot building line along the east side of the property. The property survey submitted with the application illustrates the proposed location of the accessory building in relation to the existing residence, property lines, driveway, and other site improvements.

Public Information Considerations :

A notice of public hearing appeared in the Rockwall County Herald-Banner and Royse City Herald-Banner. Staff mailed notices to property owners within 200 feet of the subject site. Staff received no letters of support or opposition.

Options/Alternatives:

1. The BoA may approve the variance request, as presented.
2. The BoA may deny the variance.

Recommendation:

At sole discretion of the Board of Adjustment.

Attachments:

- Application
- Property survey
- Building specifications

Presenter: Fabrice Kabona, City Manager



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

APPLICATION DATE: June 4th 2026 CASE #: _____

APPLICANT NAME: Michael Johnson

ADDRESS: 403 Estate Lane PHONE NO.: 210-585-1113

DESCRIPTION OF PROPERTY LOT NUMBER: 18 BLOCK NUMBER: E

LEGAL DESCRIPTION OF PROPERTY: _____

Lot 18, Block E of Heritage, Phase Three, an Addition to the City of McLendon-Chisholm, Rockwall County, Texas, according to the plat thereof recorded under Clerk's File No. 20240000022069, Plat Records, Rockwall County, Texas

ADDRESS OF PROPERTY: 403 Estate Lane

REASON FOR REQUEST: Requesting to build my accessory building on the 15ft build line on the east side of the property

SIGNATURE OF APPLICANT _____

Michael Johnson

Digitally signed by Michael Johnson
DN: E=mjohnson@r-o.com,
CN=Michael Johnson
Date: 2026.06.03 18:42:55-05'00'

Application Fee: \$500.00

DATE/AMOUNT PAID: \$500.00 - 060826

RECEIPT #: PAID VIA CC

FOR CITY USE ONLY

DATE AND TIME OF MEETING SCHEDULED _____

REQUEST FOR VARIANCE GRANTED/DENIED.

IF DENIED, REASON: _____

CHECKLIST FOR BOARD OF ADJUSTMENT APPLICANT

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

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

FINAL SURVEY
THIS IS TO CERTIFY THAT PERSONS UNDER MY DIRECTION HAVE, THIS DATE, MADE AN ON-THE-GROUND SURVEY OF PROPERTY LOCATED AT 403 ESTATE LANE, BLING LOT 18, BLOCK E OF HERITAGE, PHASE THREE, AN ADDITION TO THE CITY OF MCLENDON-CHISHOLM, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED UNDER CLERK'S FILE NO. 20240000022069, PLAT RECORDS, ROCKWALL COUNTY, TEXAS.

OAK NATIONAL DEVELOPMENT, LLC
CALLED 73.896 AC.
(TRACT 1)
INSTR 20210000011007
D.R.R.C.T

GRAPHIC SCALE 1" = 50'
AREA 43.647 SF ~ 1.00 ACRES
GF NO 25 2377 BD

NOTES

1. PROPERTY SUBJECT TO TERMS, CONDITIONS AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN CLERK'S FILE NO(S) 20240000022069, 20230000014899, 20230000016781, 20230000016754, & 20250000008112
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 FEMA FLOOD MAP NO. 48397C0110L.

SURVEYOR HAS REVIEWED THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE GUARANTY COMPANY AND ADDRESSED ALL INSTRUMENTS IDENTIFIED IN SCHEDULE B THEREOF OR NOTED SAID INSTRUMENTS AS NOT AFFECTING THE SUBJECT PROPERTY. EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE PROPERTY DESCRIBED BELOW:
VOL 1149, PG 86, VOL 2915, PG 6, VOL 145, PG 536

LEGEND

- R/W Right of Way
- BL Building Line
- N/F Now or Formerly
- UE Utility Easement
- DUE Drainage And Utility Easement
- FFE Finished Floor Elevation
- GFE Garage Floor Elevation
- P Porch
- WM Water Meter
- EB Electrical Box
- CL Centerline
- CONC Concrete
- X- Fence
- RBF Rebar Found
- FH Fire Hydrant

FLATWORK (DRIVE & WALKS) = 1,703 SF

I, David J. Baggett, Texas Registered Professional Land Surveyor No. 6226, do hereby certify that the survey plat hereon is a true and correct representation of the above described property, and do further state that this survey accurately depicts the substantial improvements to said property as located on the ground and that there are no protrusions from or encroachments onto said property by any such improvements except as shown hereon.

ACCEPTED BY _____ ACCEPTED BY _____ DATE _____

GENERAL NOTES: This Map or Plat is subject to any additional easements or restrictions of record. Contact utility contractor for location prior to construction (if applicable). This plat is for exclusive use to the parties of this transaction and Santa Fe Title, LLC. Use by third parties is at their own risk. This plat has been calculated for closure and is found to be accurate within one foot in 10,000+ feet. The field data upon which this plat is based has a closure precision of one foot in 10,000+ feet and an angular error of 7 seconds per angle point and was adjusted using the compass rule. Equipment used: Leica TS13 Robotic Total Station.

SUB Heritage
LOT 18 BL E PH 3

City of McLendon-Chisholm,
Rockwall County, Texas

FINAL SURVEY FOR:



PLAT DATE: 09/18/2025
FIELD WORK DATE: 09/18/2025
20250901242 ALT_DTX FC AS



CARTER + CLARK
SURVEYORS • PLANNERS • ENGINEERS

1735 North Brown Road, Suite 400
Lawrenceville, GA 30043
866 637 1048
www.carterandclark.com
FIRM LICENSE 10193759

This survey substantially complies with the Texas Society of Professional Surveyors' requirements for a Category 1B, Standard Land Survey. Survey made on the ground and there are no visible easements or encroachments, except as shown.



09/19/2025

403 Estate Ln Rockwall TX

Customer: Michael Johnson

Detached Garage Material

- 8" i-beam columns
- 10" i-beam Rafters
- 8" sidewall girt/purlin
- 8" purlin roof supports
- 26G PBR panels on side walls 40yr man. Warranty
- 26G commercial grade trim on build
- Osb decking on roof, with underlayment, singles to match home
- Stone wainscot around build 4', Brick above stone on front face of build
- Commercial grade sectional garage doors matching home

Neighbors within 200 feet of proposed build (403 estate ln)

1. AUSTIN MAPLES & CADIE CALVERT
407 Estate Ln Rockwall tx 75032

2. NGUYEN TIN THOMAS & LE THUY DINH DANG
411 ESTATE LN
MCLENDON-CHISHOLM TX 75032

3. CRINER MICHAEL PAUL & ABIGAIL MAY
304 BESTOWAL LN
MCLENDON CHISHOLM TX 75032

4. PHILIPS JESSE ALAN & GRECIA
308 BESTOWAL LN
MCLENDON-CHISHOLM TX 75032

5. ROGERS JAMES E JR & CAROL
312 BESTOWAL LN
MCLENDON-CHISHOLM TX 75032

6. SMITH BRYAN & LILIANA SMITH
415 ESTATE LN
MCLENDON-CHISHOLM TX 75032

7. BROWN KEVIN DEWAYNE & ANGEL NICOLE
404 ESTATE LN
MCLENDON-CHISHOLM TX 75032

8. HUNTER NINA & BRANDON
408 ESTATE LN
MCLENDON-CHISHOLM TX 75032

9. THOMAS LINDA MARY & JEFFRIN ANNICATTU JOSE
412 ESTATE LN
MCLENDON-CHISHOLM TX 75032



City of McLendon-Chisholm

Staff Report

Date: July 22, 2026

Agenda Item: Discuss and consider approval of a variance request to the City of McLendon-Chisholm Code of Ordinances to allow a reduction of the side yard setback from 25 feet to 10 feet for one detached garage on one residential lot. The subject property is zoned Single Family 1.5 (SF-1.5) and is located at 521 Highwater Crossing, Rockwall, Texas, also described as Lot 25, Block C, Chisholm-Crossing Phase IV Addition.

Background:

On June 17, 2026, the Board of Adjustment conducted a public hearing and discussed the applicant's request for a variance to reduce the required side yard setback from 25 feet to 10 feet to allow construction of a detached garage. The applicant explained that the existing swimming pool and the limited rear yard area significantly restrict the available building area, making compliance with the required setback impractical.

Following discussion, the Board voted to table the request to allow the applicant additional time to provide supplemental information addressing concerns raised during the hearing. Specifically, Board members requested documentation regarding the existing homeowners association (HOA) setback requirement and additional information demonstrating how the proposed garage would relate to the property's drainage easement and surrounding improvements.

According to the applicant, the HOA has rescinded its previously imposed 10-foot front setback requirement, providing greater flexibility in the placement of the proposed detached garage. The applicant has also submitted revised diagrams illustrating the proposed garage location in relation to the property lines, fence, and drainage easement. The applicant has indicated that the garage will likely be located approximately 1 to 3 feet behind the front façade of the residence.

Public Information Considerations :

A notice of public hearing appeared in the Rockwall County Herald-Banner and Royse City Herald-Banner. Staff mailed notices to property owners within 200 feet of the subject site. Staff received no letters of support or opposition.

Options/Alternatives:

1. The BoA may approve the variance request, as presented.
2. The BoA may approve the variance request with conditions.

3. The BoA may deny the variance.

Recommendation:

At sole discretion of the Board of Adjustment.

Attachments:

- Application
 - Applicant supplemental narrative
 - Property survey
 - Revised site diagrams
 - Building elevations and renderings
 - Photographs

Presenter: Fabrice Kabona, City Manager



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

BOARD OF ADJUSTMENT

Email
dptdent@aol.com

APPLICATION DATE: _____ CASE #: _____

APPLICANT NAME: Daniel Tucker

ADDRESS: 521 Highwater Crossing PHONE NO.: 619-940-8602

DESCRIPTION OF PROPERTY LOT NUMBER: 25 BLOCK NUMBER: C

LEGAL DESCRIPTION OF PROPERTY: 521 Highwater Crossing, Rockwall, Tx 75032
Lot 25 Chisholm-Crossing IV

ADDRESS OF PROPERTY: 521 Highwater Crossing, Rockwall, Tx 75032

REASON FOR REQUEST: Small backyard with existing pool precludes placing garage there. Only reasonable location for garage is side yard. Enforcement of 25' placement of building from fence line would relocate garage onto cement driveway. Request a 10' variance from common fence to prevent such intrusion.

SIGNATURE OF APPLICANT Daniel Tucker

Application Fee: \$500.00 ✓

DATE/AMOUNT PAID: 500.00

RECEIPT #: 2082

check

Received 051926 ✓
J. R. Hoades

FOR CITY USE ONLY

DATE AND TIME OF MEETING SCHEDULED _____

REQUEST FOR VARIANCE GRANTED/DENIED.

IF DENIED, REASON: _____

CHECKLIST FOR BOARD OF ADJUSTMENT APPLICANT

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

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

FINAL SURVEY

THIS IS TO CERTIFY THAT PERSONS UNDER MY DIRECTION HAVE, THIS DATE, MADE AN ON-THE-GROUND SURVEY OF PROPERTY LOCATED AT 521 HIGHWATER CROSSING, CITY OF MCLENDON-CHISHOLM, TEXAS. BEING LOT 25, BLOCK C, 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; AND CLERK'S FILE NO(S). 20:30000496861, 2013000496958, AND 20150000007957
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.

Curve	Radius	Length	Chord	Chord Bear.
C1	175.00'	164.83'	158.81'	N 17°09'00" W
C2	730.00'	68.46'	68.44'	N 54°10'00" E

SCALE: 1" = 60'

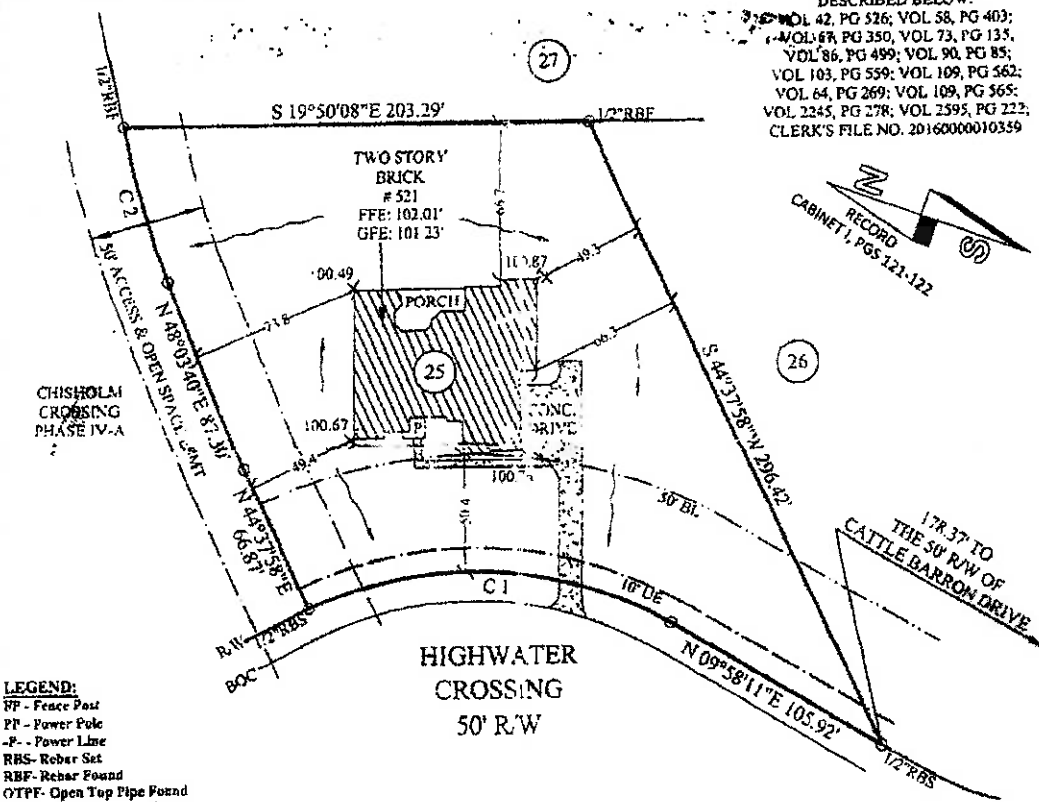
GRAPHIC SCALE = FEET

AREA: 45,736 S.F. ~ 1.05 ACRES

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

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE PROPERTY DESCRIBED BELOW.

VOL 42, PG 526; VOL 58, PG 403;
VOL 68, PG 350; VOL 73, PG 135;
VOL 86, PG 499; VOL 90, PG 85;
VOL 103, PG 559; VOL 109, PG 562;
VOL 64, PG 269; VOL 109, PG 565;
VOL 2245, PG 278; VOL 2595, PG 222;
CLERK'S FILE NO. 20160000010359



LEGEND:

- FP - Fence Post
- PT - Power Pole
- P- - Power Line
- RBS - Rebar Set
- RBF - Rebar Found
- OTPF - Open Top Pipe Found
- CTPF - Closed Top Pipe Found
- BL - Building Line
- DE - Drainage Easement
- PE - Perpetual Easement
- SSE - Sanitary Sewer Easement
- UE - Utility Easement
- WLE - Water Line Easement
- CPEE - Centerpoint Energy Easement
- CPE AE - Centerpoint Energy Aerial Easement
- X- - Fence
- D- - Drainage Easement
- S- - Sewer Easement
- CB - Catch Basin
- R/W - Right of Way
- CONC - Concrete
- DK - Deck
- P - Porch
- Pat - Patio
- S - Stoop

FLATWORK (DRIVE & WALKS) - 1,897 SF
NOTE: BASE ELEVATION IS ASSUMED.
(FOR REFERENCE ONLY)

I, David J. Baggett, Texas Registered Professional Land Surveyor No. 6226, do hereby certify that the survey plat hereon is a true and correct representation of the above described property, and do further state that this survey accurately depicts the substantial improvements to said property as located on the ground and that there are no protrusions from or encroachments onto said property by any such improvements except as shown hereon.

ACCEPTED BY _____ DATE _____

ACCEPTED BY _____

DATE _____

SURVEY FOR:

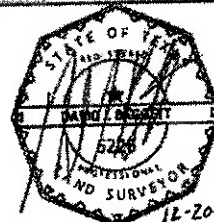
ALTURA HOMES
SUBDIVISION: CHISHOLM CROSSING
LOT: 25 BLOCK: C PHASE: IV-B
KING LATHAM SURVEY ABST. NO. 133
CITY OF MCLENDON-CHISHOLM
ROCKWALL COUNTY, TEXAS

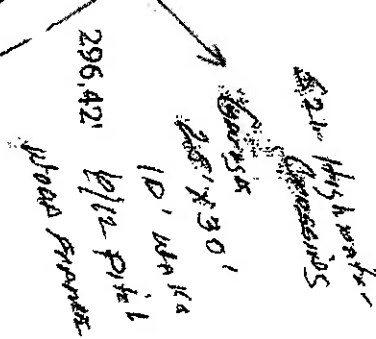
FIELD WORK DATE: 12/19/2016
20161201312 ALTURA DB: KA FC: CC

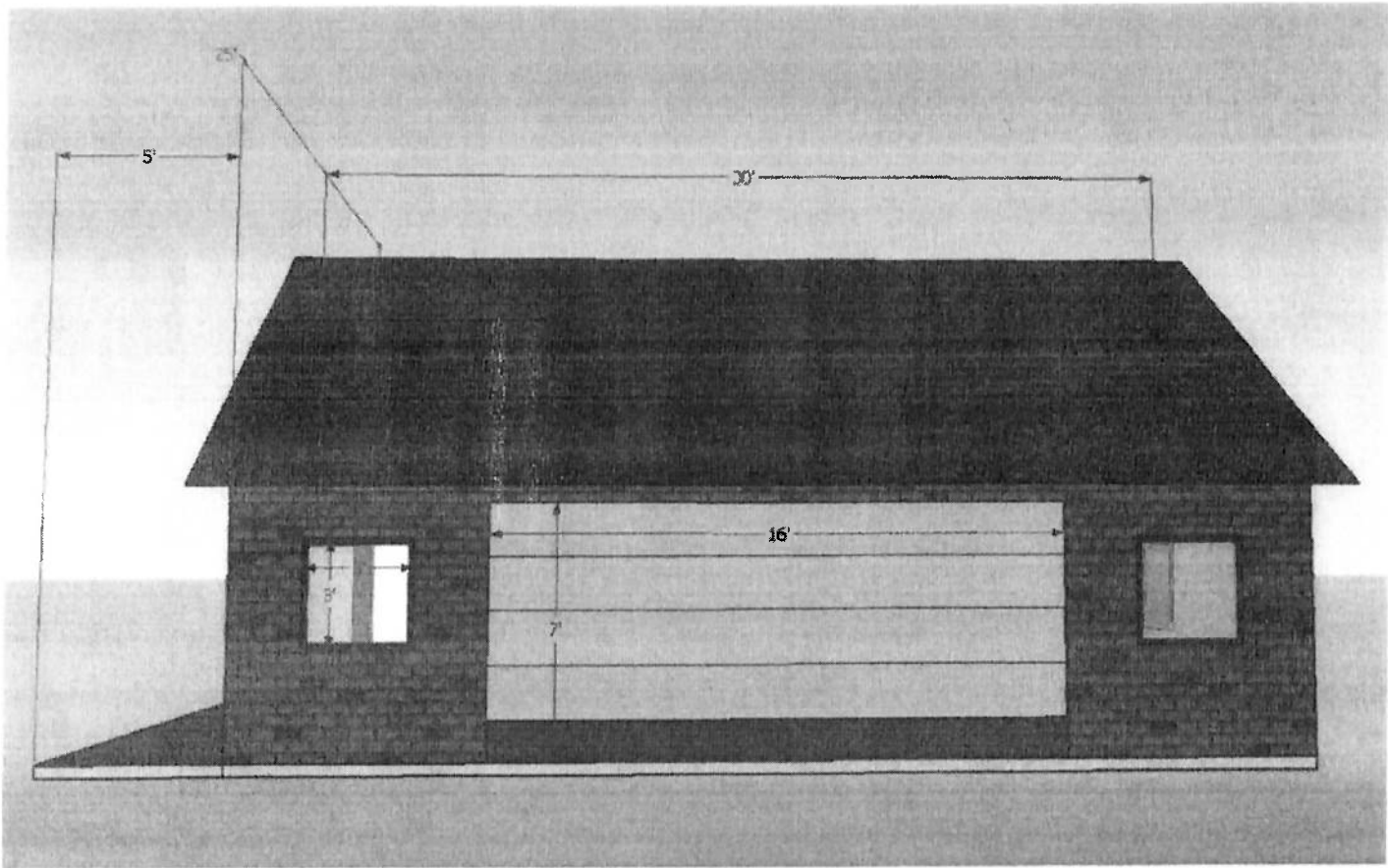
CARTER & CLARK LAND SURVEYORS AND PLANNERS

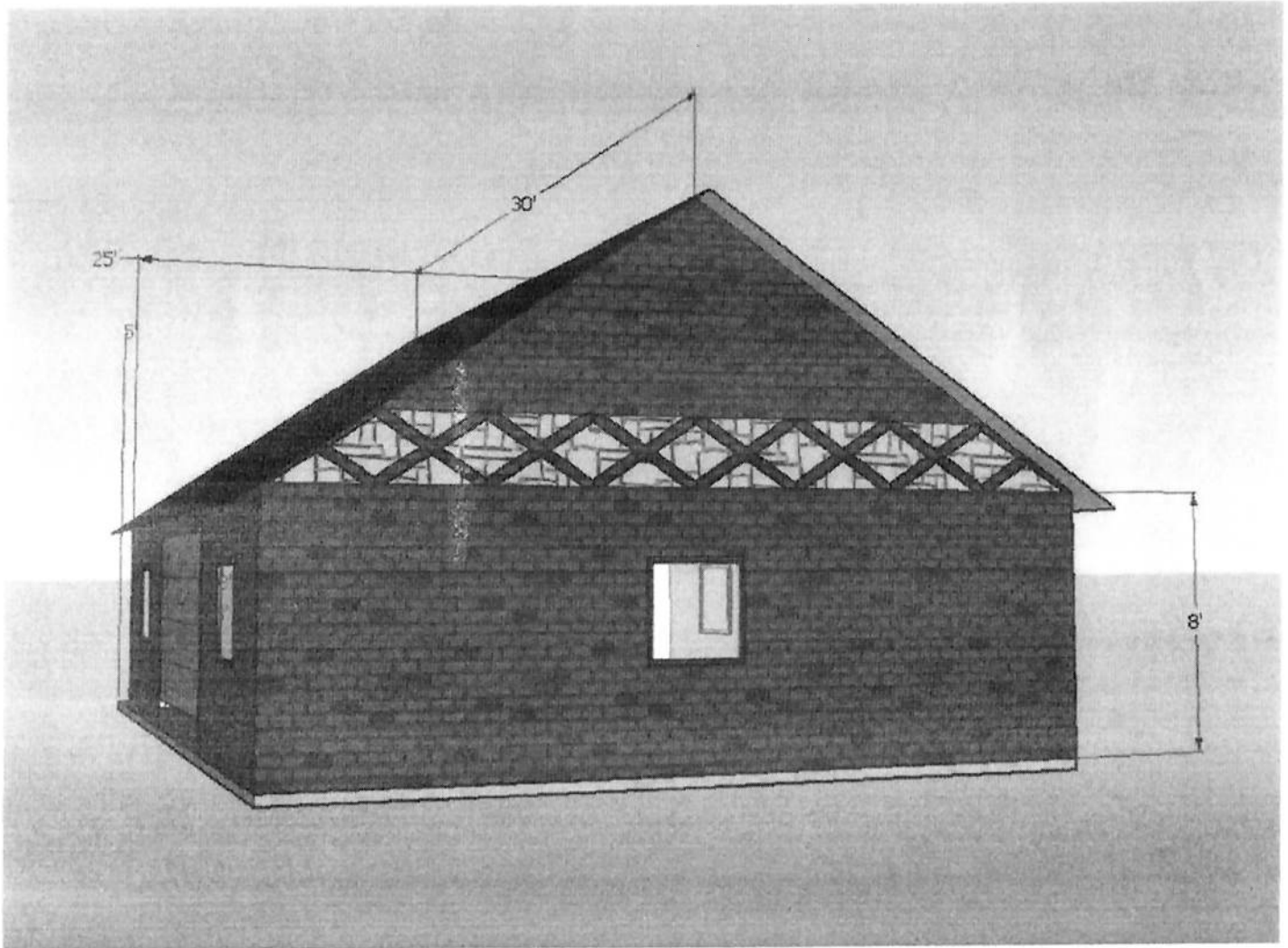
2780 Peachtree Industrial Boulevard
Duluth, GA 30097
PH: 770.495.9793
Toll Free: 866.637.1048
www.carterandclark.com

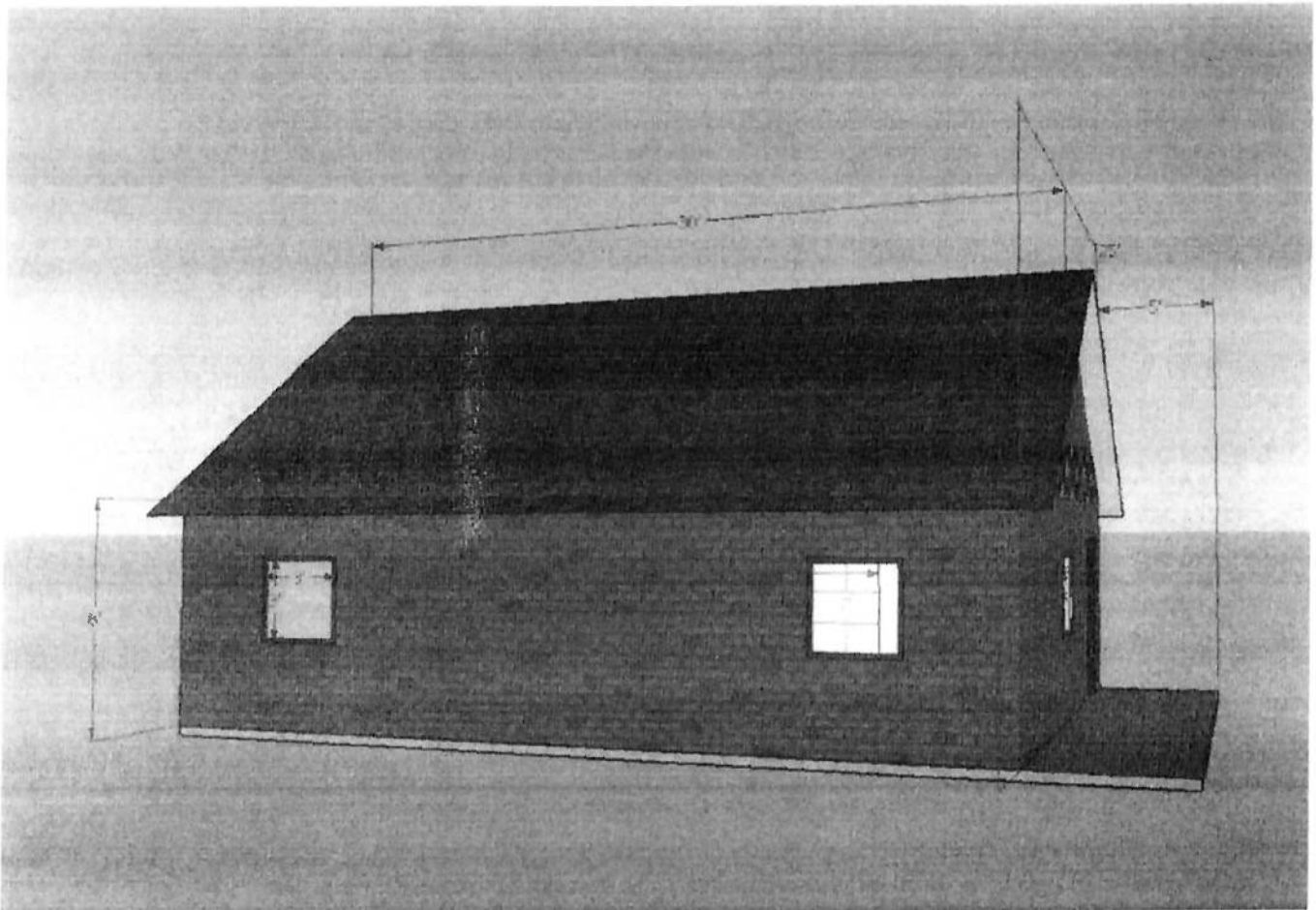
FIRM LICENSE: 10193759

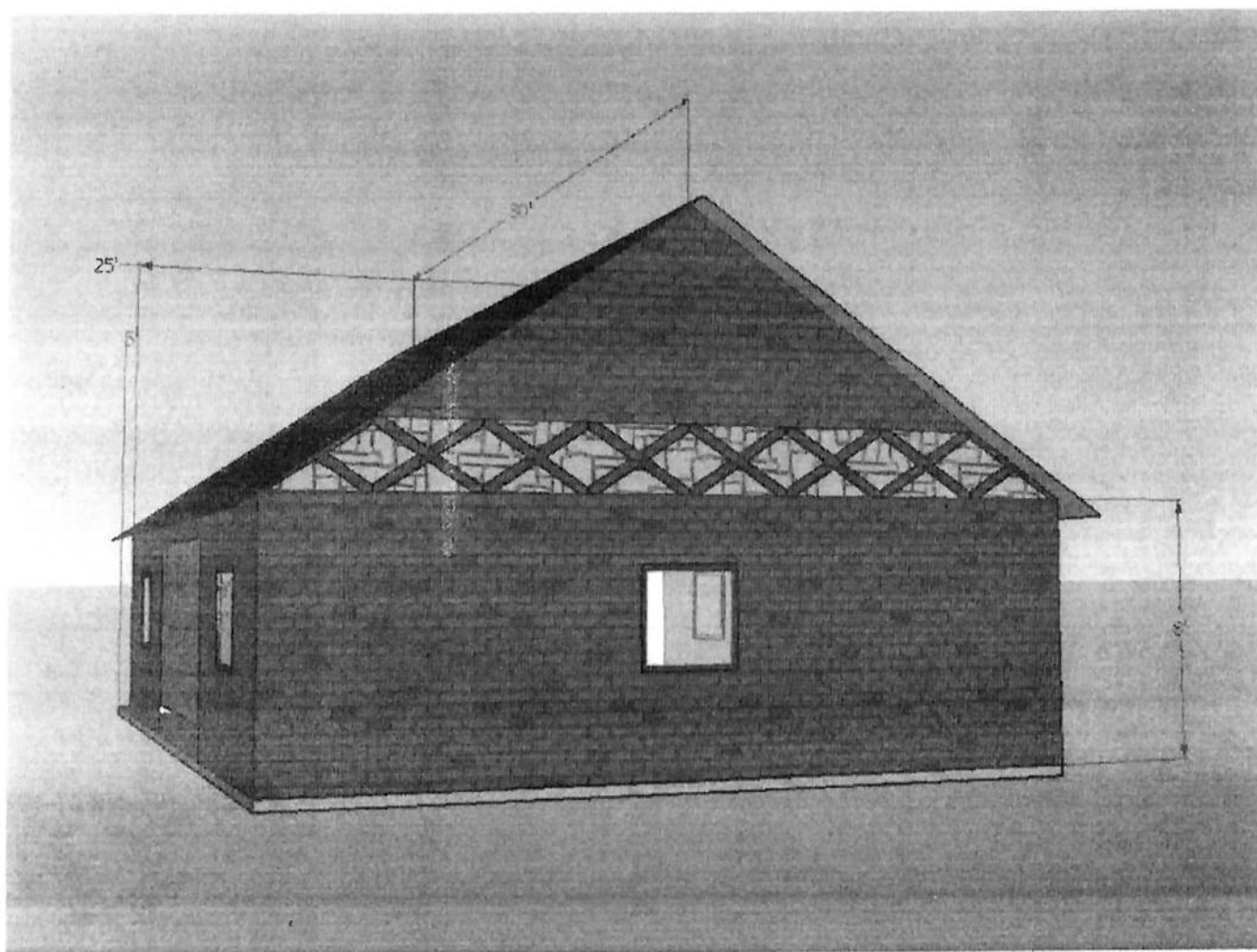


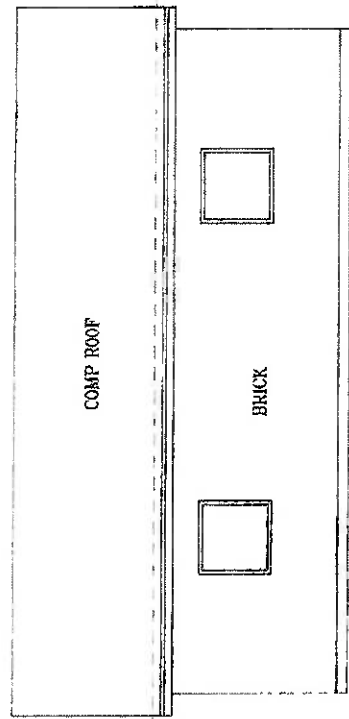
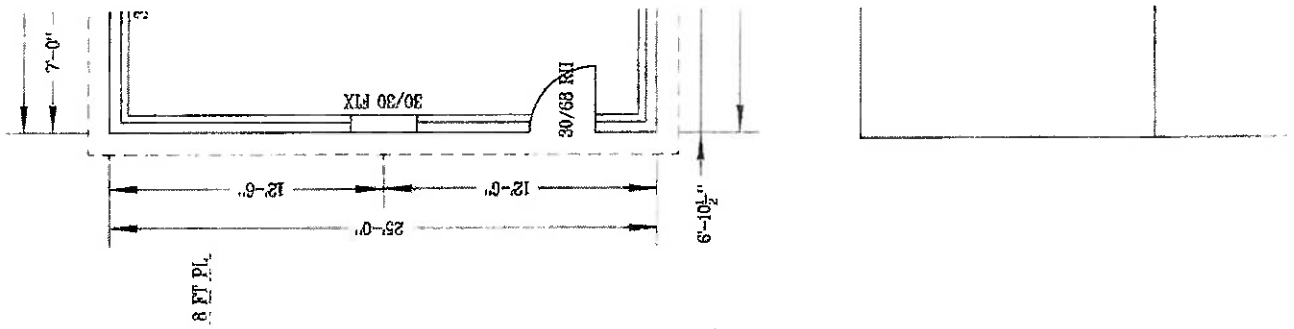




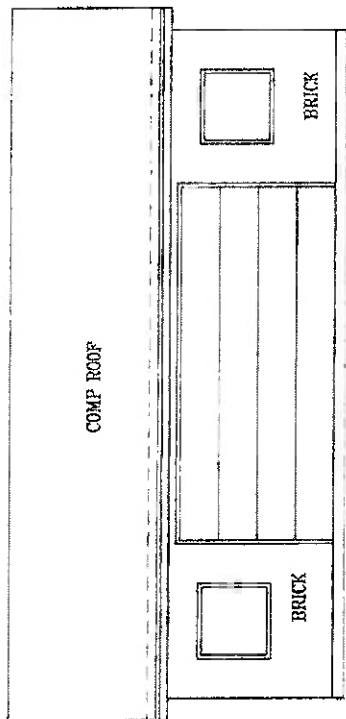




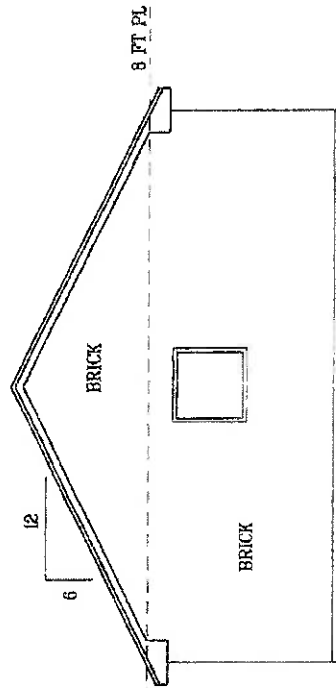




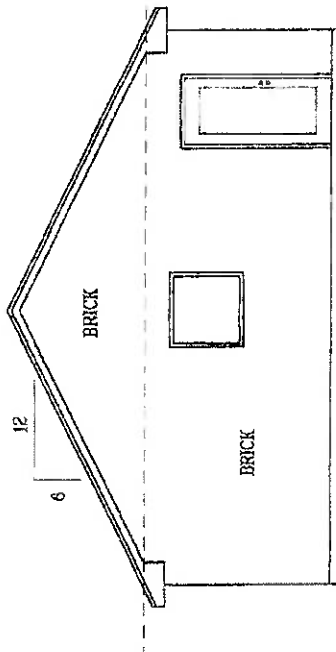
REAR ELEVATION



FRONT ELEVATION

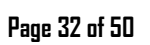


RIGHT ELEVATION

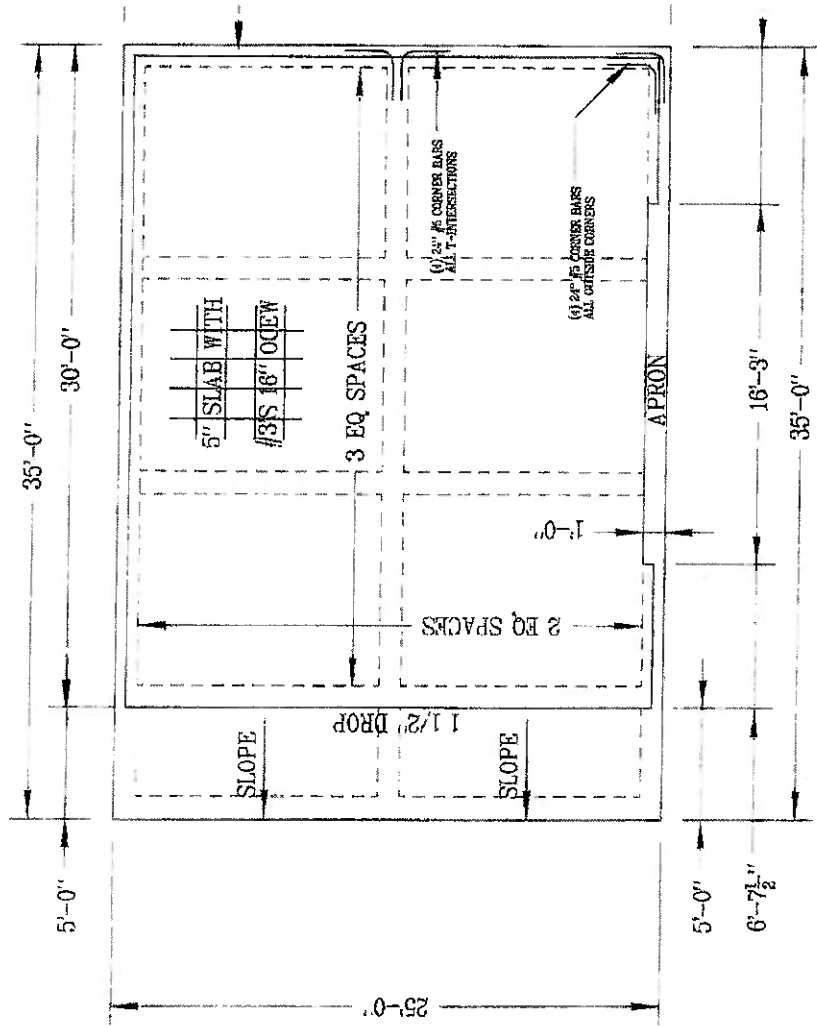


LEFT ELEVATION

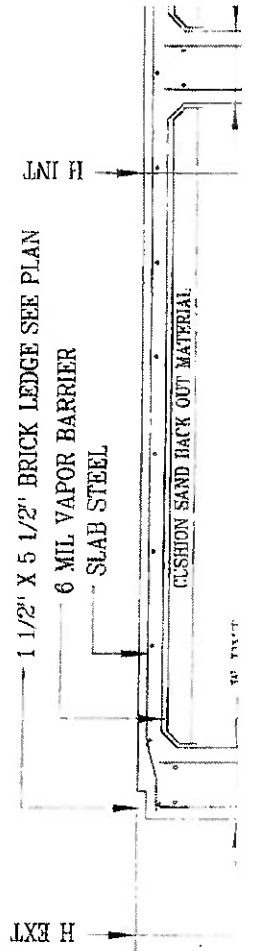




SPECIFICATIONS	
H EXT	28"
W EXT	12"
H INT	24"
W INT	10"
H BB	N/A
W BB	N/A
T	6"
SLAB STEEL	#3'S 16" OCEW
BEAM STEEL EXTERIOR AND BOTTOM	(2) #5'S TOP AND BOTTOM
SUPPORT STEEL EXT	#3'S 24" CENTERS
BEAM STEEL INTERIOR AND BOTTOM	(2) #5'S TOP AND BOTTOM
SUPPORT STEEL INT	#3'S 48" CENTERS
BEAM STEEL BOND BEAM	N/A
SUPPORT STEEL BOND BEAM	N/A



FOUNDATION PLAN



- FOUNDATION NOTES:
- 1) 3500 PSI CONCRETE @ 28 DAYS.
 - 2) 60 KSI STEEL, 30 BAR DIA MIN LAP SPICES.
 - 3) 1 1/2" MIN COVER SLAB STEEL.
2" MIN COVER BEAM STEEL.
 - 4) VAPOR BARRIER SHALL BE CUT AT BEAMS.
 - 5) SLAB MAT STEEL MAY BE TIED EVER OTHER.

SEE FRAMING PLAN

H2.5 HURRICAIN STRAPS EVERY RAFTER

7/16" OSB SHEATING NAILED ON 6" CENTERS ON
EDGES AND 1-FOOT CENTERS INTERIOR WITH 8d MIN
NAILS. VERTIAL JOINTS SHALL BE OFFSET A MINIMUM
OF TWO STUD SPACINGS.

2X4 OR 2X6 STUDDED WALL 16" CENTERS

SHEATHING NAILED TO BOTTOM PLATE 6" CENTERS

9" X 1/2" DIA "J" BOLTS ON 4-FOOT CENTERS MAX LOCATED
A MAXIMUM OF 9-INCHES FROM THE JOINTS OF ANY
BOTTOM PLATES OR ANY CORNERS

WALL CROSS-SECTION

DETACHED GARAGE WIND BRACING DETAILS

SHEAR WALL SYSTEM DESIGNED TO MEET THE
2021 IRC FOR MAXIMUM WIND SPEED OF 115 MPH

MIN 16" OVERLAP
IF APPLICABLE

SHEATHING 1

AT POR





Neighbors 10' Adjustment



Addresses of Residents Within 200' of Applicants Residence

Duong and Thao Nguyen
518 Highwater Crossing
Rockwall, Texas 75032

Jorge and Veronica Salazar
520 Highwater Crossing
Rockwall, Texas 75032

Didiar and Ivonne Padilla
522 Highwater Crossing
Rockwall, Texas 75032

Wesley and Leigh Anne O'Hara
523 Highwater Crossing
Rockwall, Texas 75032

Tammy Lewis
524 Highwater Crossing
Rockwall, Texas 75032

Michael and Dianna Vallance
501 Wild Geese
Rockwall, Texas 75032

David and Joy Brunson
502 Wild Geese
Rockwall, Texas 75032

Jose Bautista
503 Wild Geese
Rockwall, Texas 75032

Danny and Jennifer Fields
504 Wild Geese
Rockwall, Texas 75032

Regina Sue Rowand Trust
616 Stampede Run
Rockwall, Texas 75032

Roy and Vilma Chavez
617 Stampede Run
Rockwall, Texas 75032

Shannon and Trey Vault
618 Stampede Run
Rockwall, Texas 75032

Dean and Mary Hoffman
619 Stampede Run
Rockwall, Texas 75032

Buey Family Trust
621 Stampede Run
Rockwall, Texas 75032

Members

This is a petition for a 10' variance from the standard 25' distance requirement when building within the City of McLendon-Chisholm. I previously applied for this on 17 June 2026. The Board deferred approval and asked that I return to my HOA and ask for a rescission of HOA imposed 10' set back from the front of the home.

Following the June meeting, I immediately contacted my HOA and asked that the 10' setback be rescinded. I received notification that the HOA reversed its decision and rescinded the 10' frontal set back requirement.

I believe the concern at the previous BOA meeting in June was that the SE corner of the garage intruded into the 10' drainage easement. Plate #1 provides specific measurements that acknowledge this (point C). Note that as one moves from point C to B to A the distance between fence and building increases due to the divergent angle of the fence. This places the greater portion of the building well outside the drainage easement. This becomes more evident with Plates #2 and # 3.

Plate #2 depicts measurements for the South facing wall of the garage based upon the front of the garage having a 5' set back from the front of the home. Note that the

measurement from the most SE corner of the building (again point C) is now 13'5" from the fence and clearly outside the drainage area. Again, as one moves West along the garage wall the distances of separation increase due to fence divergence.

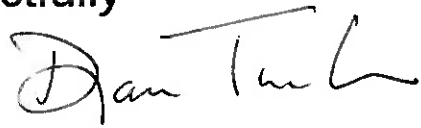
Plate 3 demonstrates this continued divergence. Here, there is no set back from the front of the home, and the front of the garage is on the same line as the home. With no imposed set back, the SE corner is well out of the drainage area. Indeed, the front of the building at point A is now 28' from the fence at closest measure.

I believe these diagrams will assist in helping to decide in favor of my request for a 10' set back from the property line. It is my intent to place the building with a set back from the front of the home no greater than 5'; the set back will likely be within 1-3' from front .

There is recent history and precedent for the BOA providing reduced setbacks for garage additions. These include 804 Abington Way (2022) 25' to 15', 621 Stampede Run (2025) 25' to 15', 720 Kensington (2024) 25' to 10', 610 Stampede Run (2024) 25' to 10', and 523 Highwater Crossing (2025) 25' to 10'. The last three examples are within Chisholm-Crossing IV; the last example is my neighbor and borders on my South perimeter where we share a common fence.

Based upon the information, I would hope BOA will accommodate my request for a reduced setback from 25' to 10' for a new build garage.

Respectfully

A handwritten signature in black ink, appearing to read "Dan Tucker". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Dan Tucker

Cc A. Goldstein Esq.

Texas General Affidavit
State of Texas
County of Rockwall

Before me, the undersigned notary public, on this day appeared

Daniel Tucker (Name of Affiant/Signer)

Known to me to be the person whose name is subscribed below,
who, being by my first duly sworn, deposed and said upon their
oath:

Statement: I, Daniel Tucker, testify that all descriptions and
measurements for the diagrams provided (3) are accurate to the
best of my knowledge.

Signature of Affiant: 

Print Name: Daniel Tucker

Address: 521 Highway Crossing Rockwall TX 75082

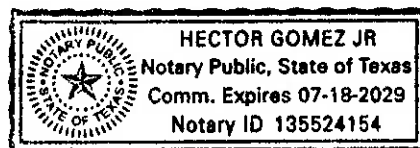
Date: 6 July 2026 2026

Notary Acknowledgment

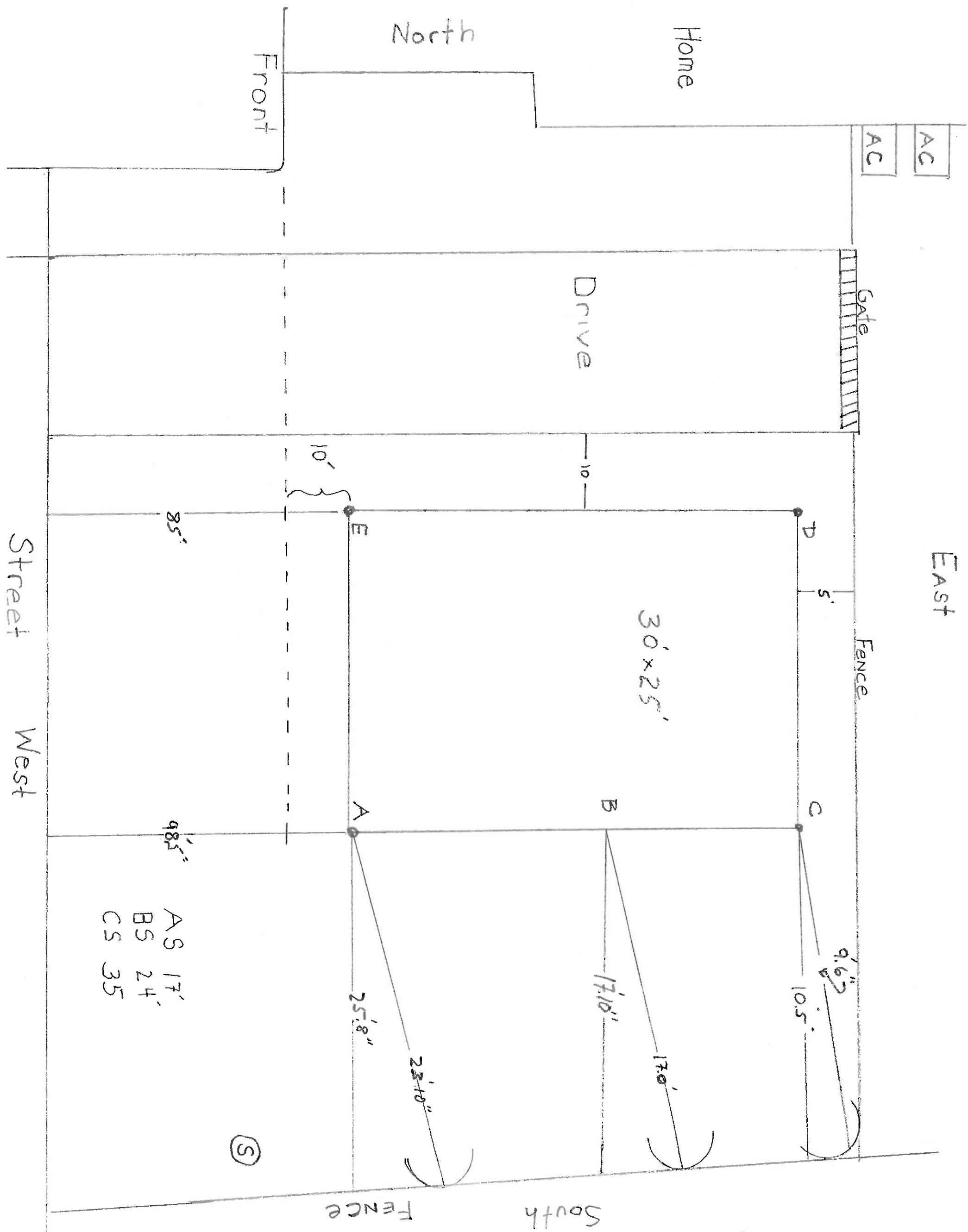
Subscribed and sworn to before me on
this 6 day of
July, 2026 Daniel Tucker (Name
of Affiant)

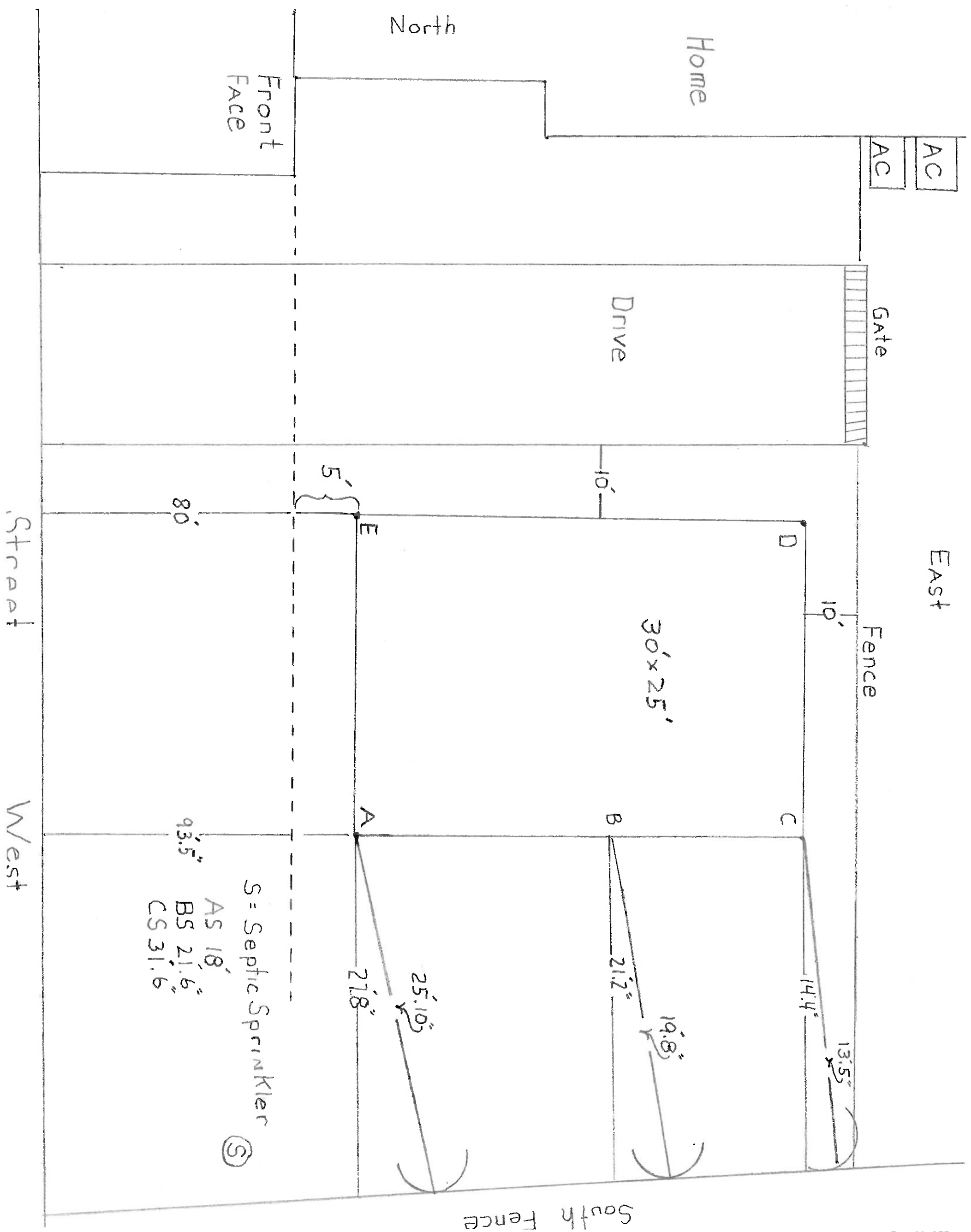
Notary Public, State of Texas
My Commission Expires 07-18-2029

X 

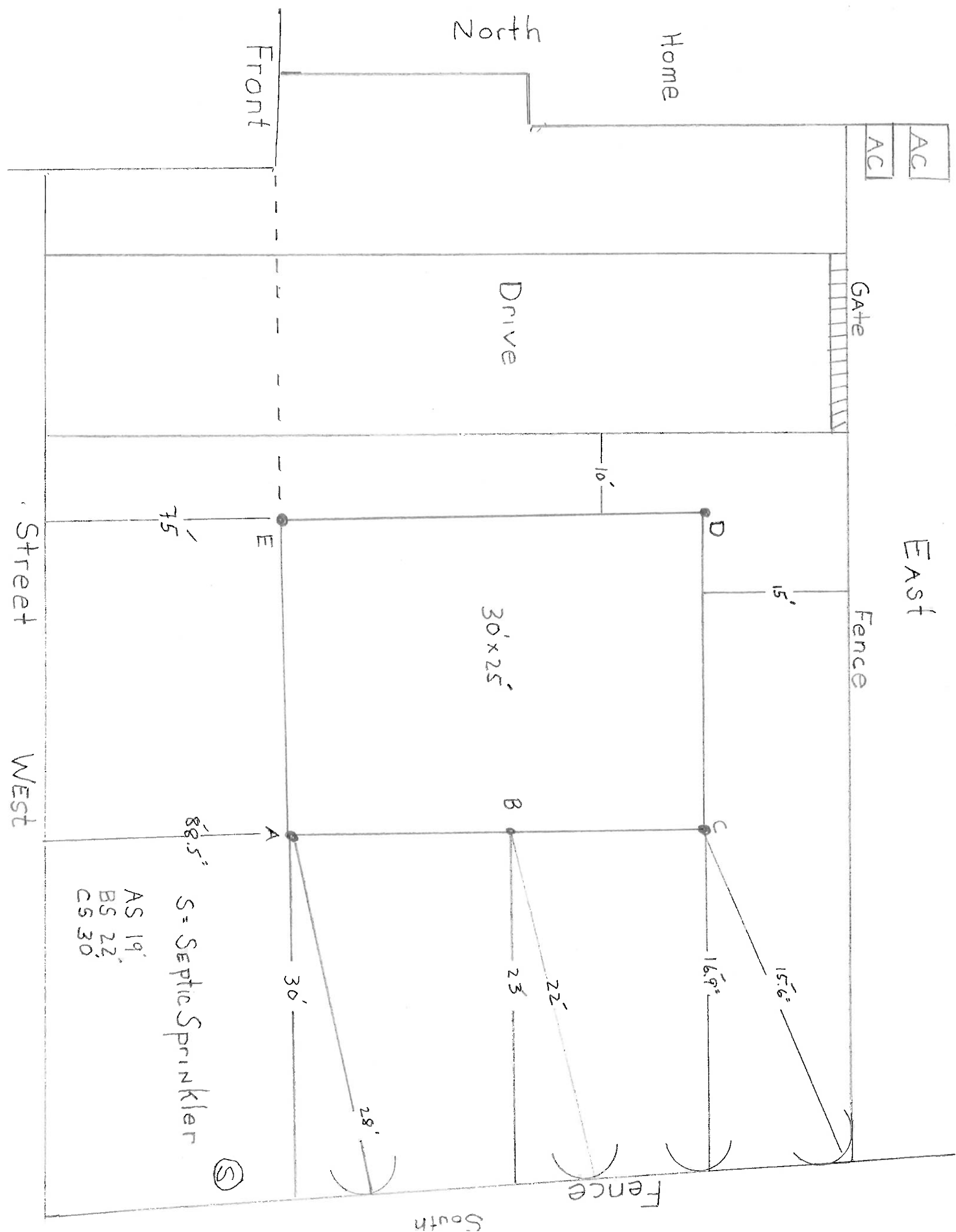


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3





City of McLendon-Chisholm

Staff Report

Date: July 22, 2026

Agenda Item: Discuss and consider recommending approval to the City Council of an ordinance amending the City of McLendon-Chisholm Code of Ordinances to establish criteria for the Board of Adjustment when considering requests for variances.

Background:

The Board of Adjustment is authorized under Chapter 211 of the Texas Local Government Code to hear and decide requests for variances from the City's zoning regulations. While state law establishes the Board's authority to grant variances under certain circumstances, the City's current Code does not include detailed criteria to guide the Board's evaluation of variance requests.

The proposed ordinance establishes eleven findings that should be considered before granting a variance. The criteria require, among other things, that a literal enforcement of the zoning ordinance would result in an unnecessary hardship due to unique physical characteristics of the property; that the hardship is not self-created; that granting the variance will not adversely affect adjacent properties, public health, safety, or welfare; and that the variance is consistent with the intent and purpose of the City's zoning regulations. The ordinance also clarifies that a variance may not authorize a land use otherwise prohibited in the zoning district and allows the Board to impose reasonable conditions as part of any variance approval.

Adopting these criteria will provide a consistent framework for evaluating future variance requests, improve transparency in the Board's decision-making process, and ensure that variance decisions are based on clearly established standards consistent with state law and sound zoning principles.

Options/Alternatives:

1. The BoA may recommend approval of the proposed ordinance to City Council.
2. The BoA may recommend approval of the proposed ordinance with modifications.
3. The BoA may recommend denial of the proposed ordinance.

Recommendation:

Staff recommends approval of this item, as presented.

Attachments:

- Proposed ordinance

Presenter: Fabrice Kabona, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MCLENDON-CHISHOLM, TEXAS AMENDING THE ZONING ORDINANCE, BY AMENDING ARTICLE 1 “GENERAL PROVISIONS”, SECTION 1-15 “ZONING BOARD OF ADJUSTMENT”, SUBSECTION G. “VARIANCES”, BY REPEALING AND DELETING IN ITS ENTIRETY SUBSECTION G.(1) AND REPLACING IT WITH AN ENTIRELY NEW SUBSECTION G.(1); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that for the protection of the health, safety and welfare of the community to have certain standards and materials required for driveways built, maintained, repaired or constructed in the City; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of two public hearings pursuant to Sec. 211.006(b) of the Texas Local Government Code; and

WHEREAS, at least fifteen (15) days after publication in the official newspaper of the City of the time and place of a public hearing for the requested rezoning, the City Council held the second public hearing for the requested rezoning, and the City Council deems it appropriate to grant the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS, THAT:

SECTION 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are fully incorporated into this Ordinance by reference.

SECTION 2. Chapter 14A, “Zoning Ordinance”, Article 1, “General Provisions”, Section 1-15 “Zoning Board of Adjustment”, subsection G.(1), is hereby amended by repealing in its entirety subsection G.(1) and replacing it with an entirely new subsection G.(1), and which subsection G.(1) shall read as follows:

“ ...

Article I. General Provisions

...

Section 1-15. Zoning Board of Adjustment

...

1. **Criteria for Granting Variances.** The City's Board of Adjustment, pursuant to the powers conferred upon it by State law, the ordinances of the City, and this Article may grant Variances to the provisions of this ordinance upon a finding of hardship. The following criteria shall be used by the Board when determining if a hardship exists:

- (1) The Variance or request for relief is not a self-created hardship.
- (2) Such Variance or request for relief will not substantially or permanently injure the appropriate use of adjacent property in the same district; and
- (3) Such Variance or request for relief will not adversely affect the health, safety or general welfare of the public; and
- (4) Such Variance or request for relief will not be contrary to the public interest; and
- (5) Such Variance or request for relief does not authorize a use that is otherwise prohibited in the zoning district (i.e., a variance cannot create a new land use).
- (6) Such Variance or request for relief will not alter the essential character of the district in which is located the property for which the Variance is sought; and
- (7) The Board may impose reasonable conditions and safeguards as part of the approval of a variance that are necessary to ensure compliance with the intent of this ordinance and to protect the public health, safety, and welfare.
- (8) whether the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the city under the Tax Code;
- (9) whether compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- (10) whether compliance would result in the structure not being in compliance with any requirement of any city ordinance, building code, or other requirement;
- (11) whether compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (12) whether the city considers the structure to be a nonconforming structure.

...”

SECTION 3. That all ordinances of the City of McLendon-Chisholm, Texas in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of McLendon-Chisholm, Texas not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of McLendon-Chisholm, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 5. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

DULY PASSED by the City Council of the City of McLendon-Chisholm, Texas, this the 14th day of July 2026.

APPROVED:

By: _____
Jerry Brewer, Mayor

ATTEST:

By: _____
Angela Jennings, City Secretary