

Board of Adjustments Meeting
January 12, 2012

I. Call to Order

Chairman Larry Ewing called the meeting to order at 6:00 pm. Present were Chairman Larry Ewing, Trenton Cornehl, Jennifer Willis, Clifford Linsey, and Stephen Geiger. Staff present were John Ankrum, Rick Sherer, and Brenda Crane.

II. Election of Board of Adjustment Vice Chair position

Cornehl made a motion to nominate Clifford Linsey as Vice Chairman. Willis seconded the motion and the motion passed unanimously.

III. Approval of Minutes for October 13, 2011

Cornehl made a motion to approve the October 13, 2011 minutes. Willis seconded the motion. Vote passed unanimously with a vote of 3 ayes and 2 abstained.

IV. Public Hearings/Action Items

Case # BOA-2012-1-V

Hold a public hearing to consider approval of a request from Ashle Pereira for an expansion of a non-conforming use, Block A, Lot 5, F & M, City of Rockwall, Texas located at 402 Williams.

Staff Recommendations:

Staff outlined the request stating that Ashle Pereira is requesting a variance to expand a non-conforming use on Lot 5, Block A, F & M, City of Rockwall, Texas located at 402 Williams. Zoning allows only one single family residence to be built on a lot, this property has 3 single family dwellings. In order to add the addition Ashle Pereira wishes to build, a variance to the non-conforming use is required. We've provided an area map, a site plan of how the addition will sit on the property and photos of the property. The surrounding property owners received proper notification. Staff has received 1 written response in favor of the request and we have not received any phone calls. Staff has no objection to this request.

Chairman Larry Ewing opened the Public Hearing at 6:04 pm and the following person(s) appeared before the Board:

Justin Harrison, 603 Brittany Dr., Mesquite, TX 75150, came before the board on behalf of the homeowners. Mr. Harrison stated that the Pereira's currently have a 1400 square foot house, with only two functional bedrooms. The homeowner's became foster parents in August and would like to accommodate more children when the need arises. The state law and Child Protective Services regulations that any children over the age of 5 years old, cannot share a bedroom with the opposite gender. The Pereira's can safely and comfortably accommodate more than one child, but this greatly restricts the ability to accept

other foster children with the opposite gender. The Pereira would like to add an additional bedroom and storage space.

Discussion was made between the Board members and Mr. Harrison.

With no one else coming forward to address the Board, Ewing closed the public hearing at 6:09pm.

Discussion between Board members.

After discussion, Linsey asked if we could open the public meeting again to ask Mr. Harrison some more questions.

Ewing re-opened the public hearing at 6:12 pm.

Willis expressed her concern that the homeowners were not at the meeting to represent themselves. Cornehl stated that it is not necessary for the homeowners to be present for the Board to make a decision. Linsey wanted to get clarification where the addition would be going.

Ewing closes the public hearing at 6:17 pm.

After more discussion with the Board members, Willis made a motion to table the case until a future meeting, with the homeowners in attendance. Linsey seconded the motion and the motion passed with 4 ayes and 1 naye.

V. Adjournment

With no other further business, Ewing closes the meeting at 6:25 pm.



Chairman Board of Adjustments

ATTEST:



Secretary, Board of Adjustment

**Board of Adjustments Called Meeting
January 23, 2012**

I. Call to Order

Vice Chairman Linsey called the meeting to order at 6:03 pm. Present were, Trenton Cornehl, Jennifer Willis, Clifford Linsey, and Stephen Geiger. Staff present were John Ankrum, Rick Sherer, and Brenda Crane.

II. Public Hearings/Action Items

Mr. Linsey stated that we have called this Board of Adjustment meeting to re-open the tabled item from previous Board of Adjustment meeting on January 12, 2012 noted as Case # BOA 2012-1-V.

Vice Chair Linsey opened the Public Hearing at 6:04 pm and the following person(s) appeared before the Board:

Ashle Pereira - 402 Williams, Rockwall, TX 75087

Mrs. Pereira stood before the board to answer any questions the Board may have regarding her case. Mrs. Pereira stated that they currently have a 2 bedroom house and would like to add an additional master suite. Mrs. Pereira stated that they were a growing family, and whether they were to have any biological children or whether they were to adopt or foster they were in need of a bedroom addition. She stated that once the children get to the age of 5, they will need separate bedrooms for the children.

Linsey closes the Public Hearing at 6:08 pm.

Discussion between Board members.

After discussion from the Board members, Linsey re-opened the public hearing at 6:13 pm for Willis to get more clarification.

Willis wanted to know about the safety issues and wanted to know if the homeowners were willing to accommodate the Historical guidelines that would be required.

Staff stated that the Pereira's were given Planning and Zoning's information and that if the Board approves the case tonight, this would only be one step for them to move forward, that they would need to contact Planning and Zoning to discuss the Historical guidelines.

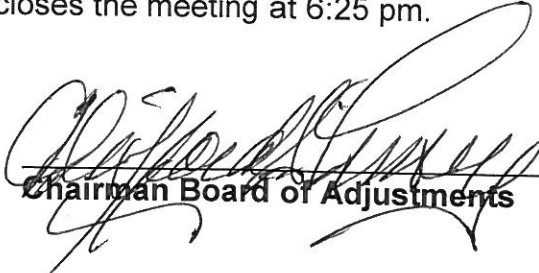
Mrs. Pereira stated that they were prepared to do what the City required and they already have an idea of what would be required. She stated that finances would not be an issue.

Linsey closes the public hearing at 6:15 pm.

48 Trenton made a motion to approve the case and Geiger seconded and the
49 motion passed unanimously.
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51 **III. Adjournment**
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53 With no other further business, Linsey closes the meeting at 6:25 pm.
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59 Chairman Board of Adjustments

60 ATTEST:

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62 Secretary, Board of Adjustment
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Board of Adjustments Minutes

March 12, 2012

I. Call to Order

Vice Chair Linsey called the meeting to order at 6:00 pm. Present were, Trenton Cornehl, Jennifer Willis, Clifford Linsey, and Stephen Geiger. Staff present were John Ankrum, Brenda Crane from Building Inspections and Robert LaCroix from Planning and Zoning.

II. Election of Board of Adjustment Chairman Position

Mr. Linsey opened up the floor for nominations for Chair Position. Geiger made a nomination for Trenton Cornehl to be Chair, Willis second the request. With no other nominations, the Board voted Trenton Cornehl in as Chair with 4 ayes and 0 nays. Linsey, Vice Chair turned the meeting over to Trenton Cornehl.

III. Approval of Minutes for January 12, 2012

Willis made a motion to approve the January 12, 2012 minutes. Linsey seconded the request. The minutes passed with 4 ayes and 0 nays.

IV. Public Hearing / Action Items

Case # BOA 2012-02-V

Hold a public hearing and consider approval of a request from George Welch for a variance to allow a front entry garage to be located less than 20 feet behind the front building façade in a single family zoning district, located at 4800 Secret Cove Lane, Lot 1, Block B, Rainbow Lake Estates, City of Rockwall, Texas.

Staff Recommendations:

Robert LaCroix, Director of Planning and Zoning, outlined the request stating that the reason for this case was that Mr. Welch wanted to build a front entry as an alternative to the required J-swing garage. The front entry garage is not allowed in the zoning for this subdivision unless you set the garage back at least 20 feet from the front of the façade of the building. He stated that the design for this particular lot is on the corner and this lot has two frontages. The frontage is on Secret Cove and also on Windsong. This subdivision has been built for quite a while and these particular lots have been benched for several years now as far as having their elevation. The applicant is asking that he be able to do a side entry garage on Windsong and be exempted from the 20 foot requirement beyond the front of the façade. The reason for not doing the J-swing that you read in the staff report is due to the lot being benched fairly high. If he were to re-grade the lot and lower it he probably could meet the requirement for the driveway slope. The options are to have a step down garage and this would require you to step up to get in the house and the owner wishes not to do this. The other option would be that they re-grade the lot, but that would result in other obstacles for the lot. You can look at his property and see the subdivision sign that is setting on the rear of his property and this variance would not allow him to push the house back in order to gain the additional space needed for the required 50 foot setback off the corner. The other issue is the side entrance

would not meet the Engineering Standards of a 50-foot spacing from radius to edge of driveway on Secret Cove. He is only 38.8 feet up to that point so he is still missing that requirement.

Discussion between Board and Staff

There was discussion between the Staff and the Board members to get clarification of this case. LaCroix and Ankrum explained the reason for the request. The questions about the j-swing garage and the reason for not having a step down garage and the elevations were answered. Willis asked the question who Mr. Tyler Branning was. Ankrum stated that Branning lives within 200 feet of this lot and received a notice of the Board of Adjustment meeting.

Chairman Cornehl opened the Public hearing at 6:14 pm and the following person(s) appeared before the Board:

Charles Shearer – 1200 W. State St., Garland, TX 75040 came before the board on behalf of George Welch

Mr. Shearer stood before the Board to explain his case. Mr. Shearer stated that in order to get the house that the prospective buyer was wanting, they would like the garage to come off of Windsong Lane. He stated that as this lot currently sits, according to the requirements, the driveway would have to be a J-Swing facing Secret Cove and would be adjacent to the neighbors drive on the right. According to the plot plan for this property, the slope in this area of the lot is 14% which is well out of the City of Rockwall allowance of 10%. The driveway would be far too dangerous with a slope at this degree and make it very difficult to get in and out. Having the driveway face Secret Cove, with this type of slope, would cause much of the entire front of the home to be concrete which would be very costly as well as unmarketable. The expense to re-grade this entire lot in order to be within the present requirements with the City of Rockwall would be too costly for the prospective owner.

Board Member Discussion with Staff and Applicant

Linsey asked if moving the driveway would move the address as well. Ankrum stated that the address would remain 4800 Secret Cove.

Cornehl asked if the client had considered other properties for this same plan. Mr. Shearer stated that he did not know how many lots George has left. He stated that he knows that he has this lot and the lot at the other end has already sold and he has already designed the house for that lot.

Willis wanted to get clarification about the monument sign. She asked if there is not enough room for the rear entry. She wanted to know how much room is physically there and how much room is needed. Mr. Shearer stated that he thought a rear entry would not suffice because they would have to come off of Tubbs and they are not allowed a driveway off of Tubbs due to no alley. If you come 50 foot off of Tubbs, it would put the garage in front of the current location of the monument and does not solve the issue of the garage being 20 foot behind the building line and also places the garage back in the center of the lot. Willis

97 stated that re-grading the lot would remedy these issues, but it is a matter of the
98 expense. Mr. Shearer stated that he was unsure of the Engineering issues that
99 may occur by re-grading the lot. Ankrum stated that it may require a retaining
100 wall at the rear of that property. Mr. Shearer stated that it would require a
101 retaining wall on the rear and probably on the north side of the property. Mr.
102 Shearer stated that re-grading the lot would probably not result in a noticeable
103 difference when viewing the elevation of the houses north of it.
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105 Geiger, asked if when he bought the lot, did the elevation coincide with the
106 approved and filed Engineering Plans. Shearer stated that this subdivision was
107 approved years ago. LaCroix said that the approved elevations, has created a
108 problem and could be considered a hardship. He stated that the lot was
109 approved and was benched with the expectation that the grade would be
110 acceptable for building. LaCroix also stated that another issue with this
111 subdivision was that it originated prior to being in the City of Rockwall. It was an
112 annexation process from the City of Heath. Ankrum stated that the grading plan
113 has a 3 foot difference from current elevation. Shearer stated that some of the
114 homes do have rear entry garages and Geiger stated that it is only when a rear
115 alley is available and this particular lot does not have an alley. Shearer stated
116 that the houses under construction on Secret Cove are a J-swing. Shearer
117 stated that the J-swing drive was not the issue upon purchase but the
118 Engineering standards are since this is a corner lot. He stated that he probably
119 didn't consider that the driveway could be 10% and his calculations were near
120 14%. He stated that he did not view this as a concern. Mr. Shearer stated that
121 upon purchase of a lot, the buyer anticipates that the grading and engineering
122 designs have already been resolved when the plat was approved. He stated that
123 George was not aware that if the garage were placed on the Windsong side, the
124 requirement would be to push it back beyond the building line. He stated that he
125 was unsure as to whether the Engineering Design concerning garages was
126 already in affect when this subdivision was developed.
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128 **With no one else to come forward to address the Board, Trenton closed the**
129 **public hearing at 6:39 pm.**
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131 **Discussion between Board Members**

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133 Linsey made the statement that he was concerned that the builder or the
134 prospective owner was not at the meeting to share their thoughts.
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136 Willis stated that Mr. Shearer is quite knowledgeable about this project; however;
137 she stated her concern is the expense associated with bringing this property up
138 to code. Also, that all parties were acting under the assumption of the agreement
139 of the homeowner association without having the approval in writing and with
140 there being property owners in close proximity to this property who are not in
141 agreement with the changes.
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143 Trenton asked about the phone call that was made. Ankrum stated that one
144 phone call was made that opposed the variance and were unable to attend due
145 to being elderly.

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147 Linsey made the statement that Mr. Branning had a good point in saying that if
148 the Board approves this request that it may set the stage for any other lot that
149 has not been sold. He stated that Mr. Branning lives in this subdivision and what
150 he has to say should be considered.

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152 Willis stated that she did not view this as precedence since it is a well developed
153 neighborhood. She said that she did not believe this would be an issue due to
154 the nature of this lot.

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156 Ankrum stated that Branning lives directly across from this lot at 788 Windsong.
157 The other couple, that was unable to attend, is across the street on Turquoise.

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159 Geiger stated, for clarification, that he feels that the homebuilder should meet all
160 the requirements of the HOA. He asked does the HOA have requirements
161 concerning this or is this just the City's requirements? LaCroix stated that
162 typically HOA requirements reference City requirements and that the homeowner
163 meets City Code.

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165 Since there is no more discussion from the Board, Willis made a motion to
166 oppose the variance, Geiger second the motion. With no one for the variance,
167 the variance was denied with 4 ayes and 0 nays.

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169 **Adjournment.**

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171 With no other business, Cornehl closed the meeting at 6:45 pm.

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177 **ATTEST:**

Chair, Board of Adjustment

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Secretary, Board of Adjustment

Board of Adjustments Minutes

June 14, 2012

I. **Call to Order**

Chair Cornehl called the meeting to order at 6:00 pm. Board members present were Chair Trenton Cornehl, Vice Chair Clifford Linsey, Jennifer Willis and Stephen Geiger. Also present were City staff Rick Sherer and Brenda Crane from Building Inspections.

III. **Approval of Minutes for March 12, 2012**

Linsey made a motion to approve the March 12, 2012 minutes. Willis seconded the request. The motion passed by a vote of 4-0.

IV. **Public Hearing / Action Items**

Case # BOA 2012-03-V

Hold a public hearing and consider approval of a request from Megatel Homes for a variance to reduce the side setback from 12-feet to 11.8-feet on Lot 1, Block N, Stone Creek, Phase 1, City of Rockwall, Texas located at 776 Miramar Dr.

Staff Recommendations:

Sherer outlined the case stating that Megatel Homes is requesting a variance to reduce the side setback from 12' to 11.8' on Lot 1, Block N, Stone Creek, Phase 1, City of Rockwall, Texas located at 776 Miramar. Megatel homes had previously been granted a variance to reduce the side setback from 15' to 12' October 13, 2011, BOA 2011-4-V. After the final survey was completed, it was realized the form survey was setback by 2 tenths or 2.4". Sherer stated that we have not heard from anyone that was in opposition to this request.

Chairman Cornehl opened the Public Hearing at 6:02 pm and the following person(s) appeared before the Board:

Jackie Jayroe, 401 Blockdale, Royse City, TX 75189

Mr. Jayroe stood before the board in favor of this request. Mr. Jayroe stated that in October 2011, there was a variance to approve the 15' to 12' setback and when the survey was done the setback was 11.8' instead of the 12'. The title company saw that there was suppose to be a 15' side building line instead of the 12'. Mr. Jayroe stated that he sent the variance approval to the title company and they noticed the 11.8' instead of the 12'. Mr. Jayroe stated that we are coming before the board to ask for a variance for the 2 tenths difference.

With no one else wishing to come forward, Trenton closed the public hearing at 6:04 pm.

Cornehl make a motion to approve the variance, Willis seconded the motion.
The motion passed unanimously with 4 ayes and 0 nays.

Adjournment.

With no other business, Cornehl closed the meeting at 6:05 pm.

ATTEST:

Chair, Board of Adjustment

Secretary, Board of Adjustment