

1 **Board of Adjustments Meeting**  
2 **January 12, 2012**  
3

4 **I. Call to Order**

5 Chairman Larry Ewing called the meeting to order at 6:00 pm. Present were  
6 Chairman Larry Ewing, Trenton Cornehl, Jennifer Willis, Clifford Linsey, and  
7 Stephen Geiger. Staff present were John Ankrum, Rick Sherer, and Brenda  
8 Crane.  
9

10 **II. Election of Board of Adjustment Vice Chair position**

11 Cornehl made a motion to nominate Clifford Linsey as Vice Chairman. Willis  
12 seconded the motion and the motion passed unanimously.  
13

14 **III. Approval of Minutes for October 13, 2011**

15 Cornehl made a motion to approve the October 13, 2011 minutes. Willis  
16 seconded the motion. Vote passed unanimously with a vote of 3 ayes and 2  
17 abstained.  
18

19 **IV. Public Hearings/Action Items**

20 **Case # BOA-2012-1-V**

21 Hold a public hearing to consider approval of a request from Ashle Pereira for an  
22 expansion of a non-conforming use, Block A, Lot 5, F & M, City of Rockwall,  
23 Texas located at 402 Williams.  
24

25 **Staff Recommendations:**

26 Staff outlined the request stating that Ashle Pereira is requesting a variance to  
27 expand a non-conforming use on Lot 5, Block A, F & M, City of Rockwall, Texas  
28 located at 402 Williams. Zoning allows only one single family residence to be  
29 built on a lot, this property has 3 single family dwellings. In order to add the  
30 addition Ashle Pereira wishes to build, a variance to the non-conforming use is  
31 required. We've provided an area map, a site plan of how the addition will sit on  
32 the property and photos of the property. The surrounding property owners  
33 received proper notification. Staff has received 1 written response in favor of the  
34 request and we have not received any phone calls. Staff has no objection to this  
35 request.  
36

37 **Chairman Larry Ewing opened the Public Hearing at 6:04 pm and the**  
38 **following person(s) appeared before the Board:**  
39

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

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

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

51  
52  
53 **With no one else coming forward to address the Board, Ewing closed the**  
54 **public hearing at 6:09pm.**

55  
56 **Discussion between Board members.**

57  
58 After discussion, Linsey asked if we could open the public meeting again to ask  
59 Mr. Harrison some more questions.

60  
61 **Ewing re-opened the public hearing at 6:12 pm.**

62  
63 Willis expressed her concern that the homeowners were not at the meeting to  
64 represent themselves. Cornehl stated that it is not necessary for the homeowners  
65 to be present for the Board to make a decision. Linsey wanted to get clarification  
66 where the addition would be going.

67  
68 Ewing closes the public hearing at 6:17 pm.

69  
70 After more discussion with the Board members, Willis made a motion to table the  
71 case until a future meeting, with the homeowners in attendance. Linsey  
72 seconded the motion and the motion passed with 4 ayes and 1 naye.

73  
74 **V. Adjournment**

75  
76 With no other further business, Ewing closes the meeting at 6:25 pm.

77  
78  
79  
80  
81   
82 **Chairman Board of Adjustments**

83 ATTEST:  
84   
85  
86 **Secretary, Board of Adjustment**

87  
88  
89  
90  
91

1 **Board of Adjustments Minutes**  
2 **March 12, 2012**  
3

4 **I. Call to Order**

5 Vice Chair Linsey called the meeting to order at 6:00 pm. Present were, Trenton  
6 Cornehl, Jennifer Willis, Clifford Linsey, and Stephen Geiger. Staff present were  
7 John Ankrum, Brenda Crane from Building Inspections and Robert LaCroix from  
8 Planning and Zoning.  
9

10 **II. Election of Board of Adjustment Chairman Position**

11 Mr. Linsey opened up the floor for nominations for Chair Position. Geiger made  
12 a nomination for Trenton Cornehl to be Chair, Willis second the request. With no  
13 other nominations, the Board voted Trenton Cornehl in as Chair with 4 ayes and  
14 0 naves. Linsey, Vice Chair turned the meeting over to Trenton Cornehl.  
15

16 **III. Approval of Minutes for January 12, 2012**

17 Willis made a motion to approve the January 12, 2012 minutes. Linsey seconded  
18 the request. The minutes passed with 4 ayes and 0 naves.  
19

20 **IV. Public Hearing / Action Items**  
21

22 **Case # BOA 2012-02-V**

23 Hold a public hearing and consider approval of a request from George Welch for  
24 a variance to allow a front entry garage to be located less than 20 feet behind the  
25 front building façade in a single family zoning district, located at 4800 Secret  
26 Cove Lane, Lot 1, Block B, Rainbow Lake Estates, City of Rockwall, Texas.  
27

28 **Staff Recommendations:**

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

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

52  
53 **Discussion between Board and Staff**

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

60  
61 **Chairman Cornehl opened the Public hearing at 6:14 pm and the following**  
62 **person(s) appeared before the Board:**

63  
64 **Charles Shearer – 1200 W. State St., Garland, TX 75040 came before the**  
65 **board on behalf of George Welch**

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

79  
80 **Board Member Discussion with Staff and Applicant**

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

83  
84 Cornehl asked if the client had considered other properties for this same plan.  
85 Mr. Shearer stated that he did not know how many lots George has left. He  
86 stated that he knows that he has this lot and the lot at the other end has already  
87 sold and he has already designed the house for that lot.

88  
89 Willis wanted to get clarification about the monument sign. She asked if there is  
90 not enough room for the rear entry. She wanted to know how much room is  
91 physically there and how much room is needed. Mr. Shearer stated that he  
92 thought a rear entry would not suffice because they would have to come off of  
93 Tubbs and they are not allowed a driveway off of Tubbs due to no alley. If you  
94 come 50 foot off of Tubbs, it would put the garage in front of the current location  
95 of the monument and does not solve the issue of the garage being 20 foot behind  
96 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.  
104

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.  
127

128 **With no one else to come forward to address the Board, Trenton closed the**  
129 **public hearing at 6:39 pm.**  
130

### 131 **Discussion between Board Members**

132

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.  
135

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.  
142

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.

146  
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.

151  
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.

155  
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.

158  
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.

164  
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.

168  
169 **Adjournment.**

170  
171 With no other business, Cornehl closed the meeting at 6:45 pm.

172  
173  
174  
175

176 **Chair, Board of Adjustment**

177 **ATTEST:**

178  
179 **Secretary, Board of Adjustment**

180  
181

1 **Board of Adjustments Minutes**  
2 **June 14, 2012**  
3

4 **I. Call to Order**

5 Chair Cornehl called the meeting to order at 6:00 pm. Board members present  
6 were Chair Trenton Cornehl, Vice Chair Clifford Linsey, Jennifer Willis and  
7 Stephen Geiger. Also present were City staff Rick Sherer and Brenda Crane from  
8 Building Inspections.  
9

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

11 Linsey made a motion to approve the March 12, 2012 minutes. Willis seconded  
12 the request. The motion passed by a vote of 4-0.  
13

14 **IV. Public Hearing / Action Items**  
15

16 **Case # BOA 2012-03-V**

17 Hold a public hearing and consider approval of a request from Megatel Homes  
18 for a variance to reduce the side setback from 12-feet to 11.8-feet on Lot 1, Block  
19 N, Stone Creek, Phase 1, City of Rockwall, Texas located at 776 Miramar Dr.  
20

21 **Staff Recommendations:**

22 Sherer outlined the case stating that Megatel Homes is requesting a variance to  
23 reduce the side setback from 12' to 11.8' on Lot 1, Block N, Stone Creek, Phase  
24 1, City of Rockwall, Texas located at 776 Miramar. Megatel homes had  
25 previously been granted a variance to reduce the side setback from 15' to 12'  
26 October 13, 2011, BOA 2011-4-V. After the final survey was completed, it was  
27 realized the form survey was setback by 2 tenths or 2.4". Sherer stated that we  
28 have not heard from anyone that was in opposition to this request.  
29  
30

31 **Chairman Cornehl opened the Public Hearing at 6:02 pm and the following**  
32 **person(s) appeared before the Board:**  
33

34 **Jackie Jayroe, 401 Blockdale, Royse City, TX 75189**  
35

36 Mr. Jayroe stood before the board in favor of this request. Mr. Jayroe stated that  
37 in October 2011, there was a variance to approve the 15' to 12' setback and  
38 when the survey was done the setback was 11.8' instead of the 12'. The title  
39 company saw that there was suppose to be a 15' side building line instead of the  
40 12'. Mr. Jayroe stated that he sent the variance approval to the title company  
41 and they noticed the 11.8' instead of the 12'. Mr. Jayroe stated that we are  
42 coming before the board to ask for a variance for the 2 tenths difference.  
43

44 **With no one else wishing to come forward, Trenton closed the public**  
45 **hearing at 6:04 pm.**  
46  
47  
48

49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67

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**

Draft