

CITY HALL

ROCKWALL, TEXAS

APPLICATION FOR ZONING CHANGE

Case No. _____ Filing Fee Date June 17, 1983

Applicant AUGUST BETO

Mailing Address 413 YACHT CLUB ROCKWALL Phone No. 226-2552

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED:
(if additional space is needed for description, the description may be put on a separate sheet and attached hereto.)

LOT 5 BLOCK A LAKEWOOD ADDITION IN THE
City OF ROCKWALL

I hereby request that the above described property be changed from its present zoning which is "Comm" "Commercial" District Classification to a "NO ZONING CHANGE JUST REQUEST TO CONFORM TO OLD BUILDING & MATERIAL CODES & NO SUBJECT TO NEW MATERIAL CODE" District Classification for the following reasons: (Attach separate sheet if necessary.)

1. ORIGINAL BLDG PERMIT FOR LAND USE & BUILDING APPLICANT ISSUED 4/22/83
2. TEMPORARY BUILDING CONSTRUCTION TO ALLOW ARCHITECT TO DRAW PLANS AT TIME
3. MONEY SPENT PRESUMING MATERIALS & CODE REQUIREMENTS AT TIME OF PERMIT ISSUE

THERE (ARE) DEED RESTRICTIONS PERTAINING TO THE INTENDED USE OF THE PROPERTY. (ARE NOT)

STATUS OF APPLICANT: Owner ✓ Tenant _____ Prospective Purchaser _____

I have attached hereto as Exhibit "A" a Plat showing the property which is the subject of this requested zoning change and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

X August Beto
APPLICANT

NOTE: The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

CITY HALL

ROCKWALL, TEXAS

APPLICATION FOR ZONING CHANGE

Case No. _____ Filing Fee 2.00 Date JUNE 17, 1983

Applicant AUGUST BOTO

Mailing Address 413 YACHT CLUB ROCKWALL Phone No. 226-2552

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(if additional space is needed for description, the description may be put on a separate sheet and attached hereto.)

LOT 5 BLOCK A LAKEWOOD ADDITION IN THE City OF ROCKWALL

I hereby request that the above described property be changed from its present zoning which is "Comm" COMMERCIAL District Classification to a "NO ZONING CHANGE JUST REQUEST TO CONFORM TO OLD BUILDING & MATERIAL CODES & NO SUBJECT TO NEW MATERIAL CODE" District Classification for the following reasons: (Attach separate sheet if necessary.)

- 1. ORIGINAL BLDG PERMIT FOR LAND USE & BUILDING APPLICANT ISSUED 4-22-83
- 2. TEMPORARY BUILDING CONSTRUCTED TO ALLOW ARCHITECT TO DRAW PLANS
- 3. MONEY SPENT ASSUMING MATERIALS & CODE REQUIREMENTS AT TIME OF PERMIT ISSUE

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(The following Certificate may be used by the applicant to give notice to the City of the sufficiency of the legal description, however, the same is not a requirement of the Application.)

CERTIFICATE

I hereby certify that I have checked the legal description of the property described in this Application and the same describes the tract of land shown on the Plat attached hereto as Exhibit "A" and said description is sufficient to allow qualified surveyor to locate and mark off said tract on the ground.

Surveyor or Attorney for Applicant
(Mark out one.)

CITY OF ROCKWALL
OFFICIAL RECEIPT

DATE 7-1-83

NAME Angie Bato

ADDRESS 1821 - Elm

Cash Check Other

GARBAGE		
LAND FILL PERMIT		
GARAGE SALES		
SOLICATORS PERMIT		
RENT		
MISCELLANEOUS WATER SALES		
<u>Young Club</u>		<u>5000</u>

Received By

1875

FORM G-1

BUILDING PERMIT
CITY OF ROCKWALL

PERMIT N^o 1203

This is to certify that Whitehills of Lubbock Texas, has on this the 25 day of April, A.D. 1983, been issued this Building Permit by the City of Rockwall, Texas, to construct a Temp Office Bldg Building on Lot (or Lots) No. 5 in Block No. A, Lubbock Addl Addition, in the City of Rockwall, Texas, and that the said Owner has paid the City of Rockwall, Texas, the sum of \$ 16.50 Dollars for inspection.

Building Site Address 509 Whitehills Dr.

THE CITY OF ROCKWALL, TEXAS,
By Larry King
Building Inspector

WATER TAP CHARGES

Corporation (size)	_____	_____
Copper (footage)	_____	_____
Angle Stop (size)	_____	<u>3.24</u>
Badger Meter (size)	_____	<u>32.00</u>
Meter Coupling (size)	_____	<u>4.45</u>
Meter Box (size)	_____	_____
Boring Cost (footage)	_____	_____
Man Hours (per hour)	_____	_____
Number of Men	_____	<u>8.55</u>
Backhoe (number hours)	_____	<u>16.00</u>
Taping Machine (size)	_____	_____
Water Availability (size)	_____	<u>225.00</u>
DEPOSIT	<u>Comm.</u>	<u>30.00</u>
Pro Rata (per ft.)	_____	<u>6.51</u>
Total Tap Cost	_____	<u>376.61</u>

SEWER TAP CHARGES

Sewer tap fee	_____	<u>40.00</u>
Tap Saddle (size)	_____	_____
Labor (hours)	_____	_____
Number of Men	_____	_____
Backhoe (hours)	_____	_____
Sack Cement (number of sacks)	_____	_____
Street Repair (sq. ft.)	_____	_____
Pro-Rate (per ft.)	_____	_____
<u>SEWER AGAIN NOT APPLIED TO Comm.</u>		_____
sewer tap	_____	<u>40.00</u>

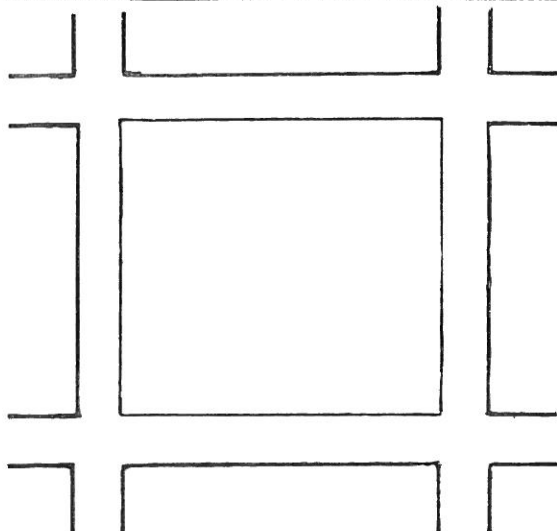
CITY OF ROCKWALL
BUILDING INSPECTION DEPT.

APPLICATION FOR BUILDING PERMIT

Lot 5 Block A Permit No. 1203
Subdivision LAKEWOOD ADD
Type Occupancy B-2 TEMP. Rockwall, Texas 4-25-1983
Zoning Dist. Comm
Street No. 509 Whitehills Dr.

Application is hereby made to the Building inspector of the City of Rockwall, Texas, for a permit to construct a Temp Office Bldg in accordance with plans and specifications submitted herewith, and in full conformity with provisions and regulations of all ordinances of the City of Rockwall. The location and salient features of said structure are as follows:

Owner of Ground August Beto Address Rockwall
Owner of Building _____ Address _____
Architect _____ Address _____
Contractor _____ Address _____



No. of Stories 1
No. of Rooms 3
Type of Construction E
Dimensions 36' x 12'
Materials of Foundation SKIDS + PIECS
Materials of External Walls SLIPWY
Is Sewer Available? YES
% second hand materials to be used 0
How many buildings to be removed? 0

Will there be Any Projections Over the Prop. Line? NONE
Living Area = _____
Covered Area = _____
Other Area = _____
Total Footage = _____

Total Contract \$ _____ Estimated Cost \$ 3000 Permit Fee \$ 16.50

The undersigned hereby solemnly swears that the above statements concerning the above described structure are true and that _____ is the owner of said structure or has been authorized by the owner or owners to act as agent in procuring the permit herein requested.

The land or structure will be used only for the following purposes _____

I, We, understand that should said _____ be used or occupied in violation of this agreement or of the Zoning Ordinance, or of any building, fire, sanitary, or health laws or ordinances of the City of Rockwall, that I, We, shall be subject to penalty in accordance with the provisions of the Zoning Ordinance or other applicable regulations.

ACTION TAKEN:

Granted _____ Denied _____ Date _____

(owner or lessee)

Address _____

CITY OF ROCKWALL—
PUBLIC WORKS DEPARTMENT
OFFICIAL RECEIPT

DATE 4-27-83

NAME August Boto

ADDRESS 509 Whitehills Dr

Cash Check Other

BUILDING PERMIT		
PLUMBING PERMIT		16.50
MECHANICAL PERMIT		
ELECTRICAL PERMIT		
HEALTH PERMIT		
WATER TAP		
WATER AVAILABILITY		65.10
SEWER TAP		225.00
SEWER AVAILABILITY		40.00
METER DEPOSIT		30.00
		6.51
	TOTAL	383.11

Received By

FORM I-1

J 5204

Preferred Companies Corporation

413 YACHT CLUB DRIVE
ROCKWALL, TEXAS 75087
(214) 226-2552

June 24, 1983

Rockwall Board of Adjustment
City of Rockwall
Rockwall, Texas 75087

RE: Lot 5 Blk A Lakewood Addition
Building Materials Variance


Dear Sirs:

Recently I moved my residence and office to Rockwall and it was imperative that I locate office facilities for our business here to accomodate our Rockwall clients. No adequate facilities were available and it became obvious that we had to build comething immediately to meet our needs.

I located this site that has the proper zoning and amenities and proceeded im-
mediately to contract a local architect to develop plans and site development.

It was imparitive that I have an office immediately and simultaneously with my construction plans and since there were no facilities available, the solution seemed to be the construction of a small temporary building on site.

I discussed our needs and intentions with the Planning Department and it was agreed that a temporary building could be built quickly that would meet all the code and building requirements of Rockwall, meet our immediate office space requirements while proceeding with the final architectural planning.

 I applied for and was issued a building permit for the project as outlined and was assured by the Building Department that a good portion of the permit fees would be credited to the final building permit fees as soon as the plans were submitted to them for approval.

The building permit #1203 was paid for and issued on April 25, 1983 and the temporary building was started immediately. I thought everything was in order and instructed the architect to proceed with final plan design as quickly as possible. Subsequently I had to leave town for three weeks, thinking all was going on as planned and upon my return, I was advised by the architect that the City of Rockwall has approved a new set of material requirements for commercial buildings and all the work and expense expended to date were in jeopardy because the plans were predicated on the zoning code and building requirements in effect as of the date our building permit was issued, April 25, 1983.

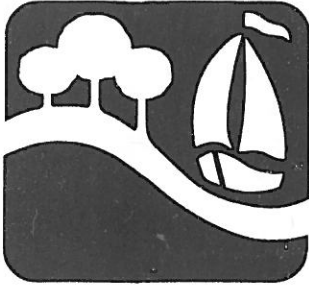
Under the circumstances I respectfully request that your Board and the City of Rockwall grant us a variance to proceed to build our building under the code and materials requirements in force as of April 25, 1983, the date of our permit issue. It was obvious to all parties concerned that we were going to build our permanent office building as soon as the plans were completed. We were never advised that any changes in the Code or materials requirements was imminent or we might have proceeded otherwise.

Thank you for your consideration of this matter since we are anxious to proceed.

Cordially,


August Boto

AB:dmb



CITY OF ROCKWALL

"THE NEW HORIZON"

TO: Planning & Zoning & City Council
FROM: Larry King
SUBJECT: Zoning Ordinance Variance Request

JUNE 28, 1983

Attached is a request by August Boto for you to consider a variance request from Section 2:12 subsection F.8-A of the newly adopted Zoning Ordinance.

The section states the minimum construction materials for any structure within a Commercial zone is to be 100% non-combustible materials. Mr. Boto recently purchased lot 5, block A in the Lakewood Addition which the attached zerox illustrates.

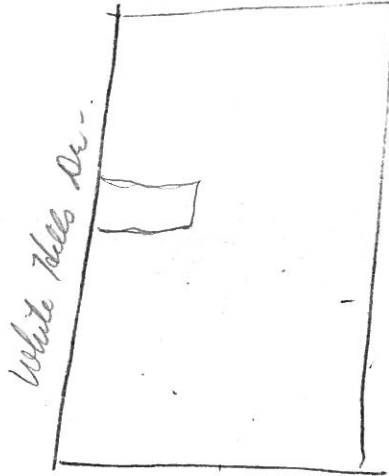
On April 25, 1983 Mr. Boto made application to install a temporary office building on the lot, to be used for a period of one year. This building was to be used only until a permanent structure was built toward the rear of the property. Mr. Boto had previously contracted with an architect to design the proposed structure, prior to the zoning ordinance adoption last month.

Mr. Boto was charged for the standard water and sewer hook-up, as would any building when a permit is issued. This service would be connected to the proposed building whenever completed. He feels that since his intent was to construct a building in the future, that he should be granted the right to build out of wood frame construction as originally planned.

Mr. Boto in paragraph five (5) seems to make the statement that the Building Department issued him a permit and assured him that a good portion of the fee would apply to the proposed building. This statement is false. He was issued a permit for the temporary structure on April 25, 1983 only for a building valued at \$3000 at a total fee of \$16.50. Also charged to him so as to connect the building to City services was a standard water installation fee of \$326.61 and sewer fee of \$40.00. The water and sewer fee once paid would not be charged again, this is normal practice. In fact the only fee Mr. Boto would not have to pay would be for water and sewer.

As of this date June 27, 1983 the Inspection Dept. has not received or reviewed the codes for the construction of Mr. Boto's proposed building. I must however say I was aware he had plans to construct a future building but in no way was he led to believe the permit issued on April 25th, applied to the future building.

Bato
5-A - Lakewood Add.



- ① Leland Miller, Box 717
- ② Carl Bates, 1101 Ridge Rd. # 201
- ③ Al B. Morley, 1101 Ridge Rd. #
- ④ Tracy O. Bates, 3103 South Dr. Wichita Falls ⁷⁶³⁰⁵
- ⑤ Joyce Watters, Box 217
- ⑥ Presbyterian Church
- ⑦ Ross B. Morris, Rt 4, Box 605
- ⑧ Lynn H. Tenney Jr, 408 First City Bk. Bldg. ^{Garland 75042}
- ⑨ Reland J. Saczek, Rt 1, Box 522

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

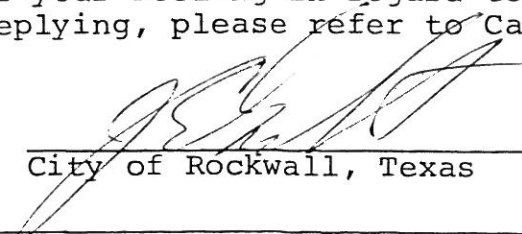
The Planning and Zoning Commission will hold a public hearing at 7:30
o'clock P.M., on the 14th day of July, 1983, in
Rockwall County Courthouse Courtroom

Rockwall, Texas, on the request of August Boto
for a variance from the Comprehensive Zoning Ordinance that requires 100%
non-combustible structured materials rather than wood frame construction.

on the following described property:

Lot 5, Block A, Lakewood Addition

As an interested property owner, it is important that you attend this hearing or notify the Commission of your feeling in regard to the matter by returning the form below. In replying, please refer to Case No. 83-21



City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning and Zoning Commission, 102 East Washington, Rockwall, Texas 75087.

Case No. 83-21

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

- 1.
- 2.
- 3.

Signature 

Address 1101 RIDGE RD. ROCKWALL

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,
City of Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

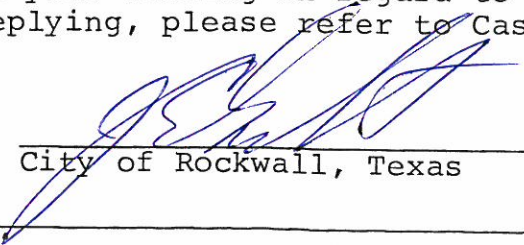
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for a variance from the Comprehensive Zoning Ordinance that requires 100%
non-combustible structured materials rather than wood frame construction.

on the following described property:

Lot 5, Block A, Lakewood Addition

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hearing or notify the Commission of your feeling in regard to the matter
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- 2.
- 3.

Signature _____

Address _____

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Thank you,
City of Rockwall

ACTION RECORD

CASE NAME: August Bolo

CASE NO.: 83-21

Planning and Zoning
Commission

City Council

Date

Approved.

Disapproved

Approved

Disapproved

Preliminary Plat

Final Plat

Zoning

and use Permit

_____ ✓ _____ 7/14/83 _____ ✓ _____ 8/15/83

Changes: 100%/90% approved tied to site plan by P+2

1 Story Animal approved - only non load bearing
interior walls may be wood.