

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 92-35- CUP Date Submitted 8-24-92

Filing Fee \$ 150.00

Applicant Cecil Unruh

Address 1722 Ridge Rd.
Rockwall, Texas 75087

Phone No. (214) 771-3862

Owner Tenant¹ Prospective Purchaser¹

Legal description of property for which Conditional Use Permit is requested (if additional space is needed, the description may be typed legibly on a separate sheet and attached hereto:)²

Lot 4, Block C, The Estates of Coast Royale No. 1 being a Lot containing 2.5275 acres.

I hereby request that a Conditional Use Permit be issued for the above described property for:

The construction of a one story Guest House consisting of approximately 1100 Square Feet plus a two car garage to be occupied by applicants **Mother**.

The current zoning on this property is SF-10.
~~There are/are not~~ deed restrictions pertaining to the intended use of this property. (attached to submitted site plan)

I have attached hereto as Exhibit A a plat showing the property which is the subject of this requested Conditional Use Permit and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

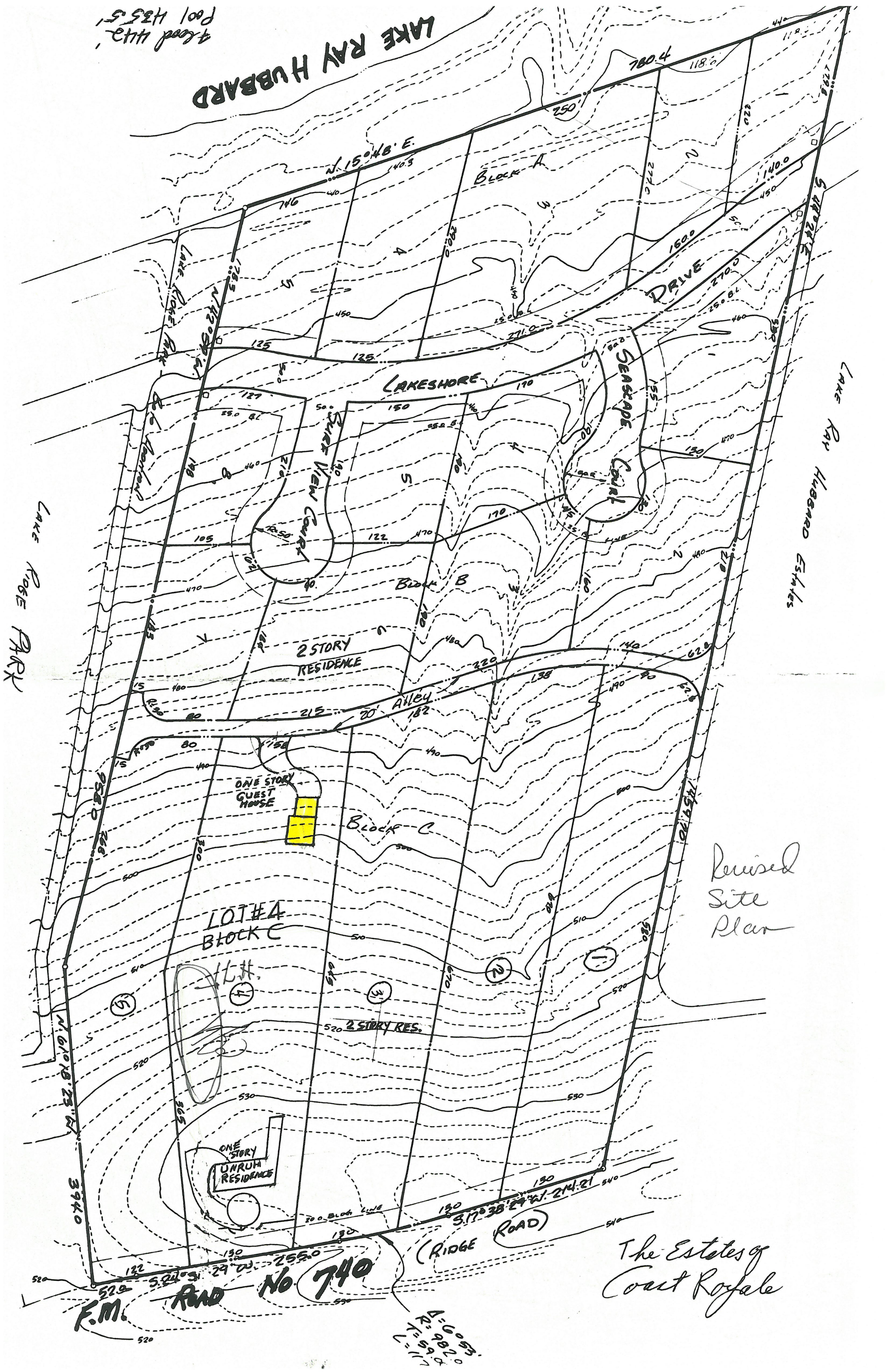


¹If the applicant is someone other than the owner, written acknowledgement by the owner of the request must also be submitted.

²The legal description is used to publish the notice of the required hearing and in the preparation of the final ordinance granting the Conditional Use Permit. 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.

Good 412,
Pool 435.5'

LAKE RAY HUBBARD



LAKE ROSE PARK

LAKE RAY HUBBARD ESTATES

Revised
Site
Plan

The Estates of
Court Royale

No. 740

D=6053
R=9820
L=5920

F.M.

ROAD

(RIDGE ROAD)

LOT #4
BLOCK C



2 STORY
RESIDENCE

ONE STORY
GUEST
HOUSE

Block C

Block B

LAKESHORE

SEASIDE
COURT

DRIVE

Block A

N. 15° 48' E.

LAKE ROSE PARK

N. 61° 08' 23" W.
3940

3940

520

520

520

780.4
118.0
179.8
119.2
179.8
140.0
145.0
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995.0
1000.0

LOT 7
BLOCK "B"

LOT 6
BLOCK "B"

NEW J. CERVINE
2 STORY
RESIDENCE

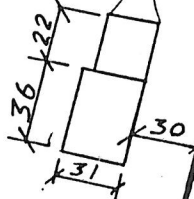
ALLEY

N37°30'02"E

93.72'

20' ALLEY

GUEST HOUSE
ONE STORY



7.5

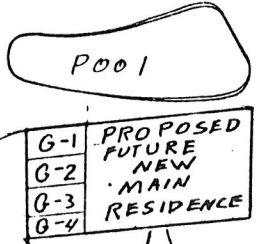
641.95'

10' UTILITY ESMT
N42°41'30"W
290.43'

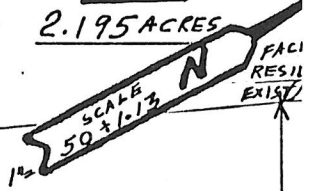
EXISTING SANITARY SEWER
LOT #4-C

BLOCK "C"
LOT 5
1.912 ACRES

N6°35'48"W
368.92'



BLOCK "C"
Lot 3
2.195 ACRES



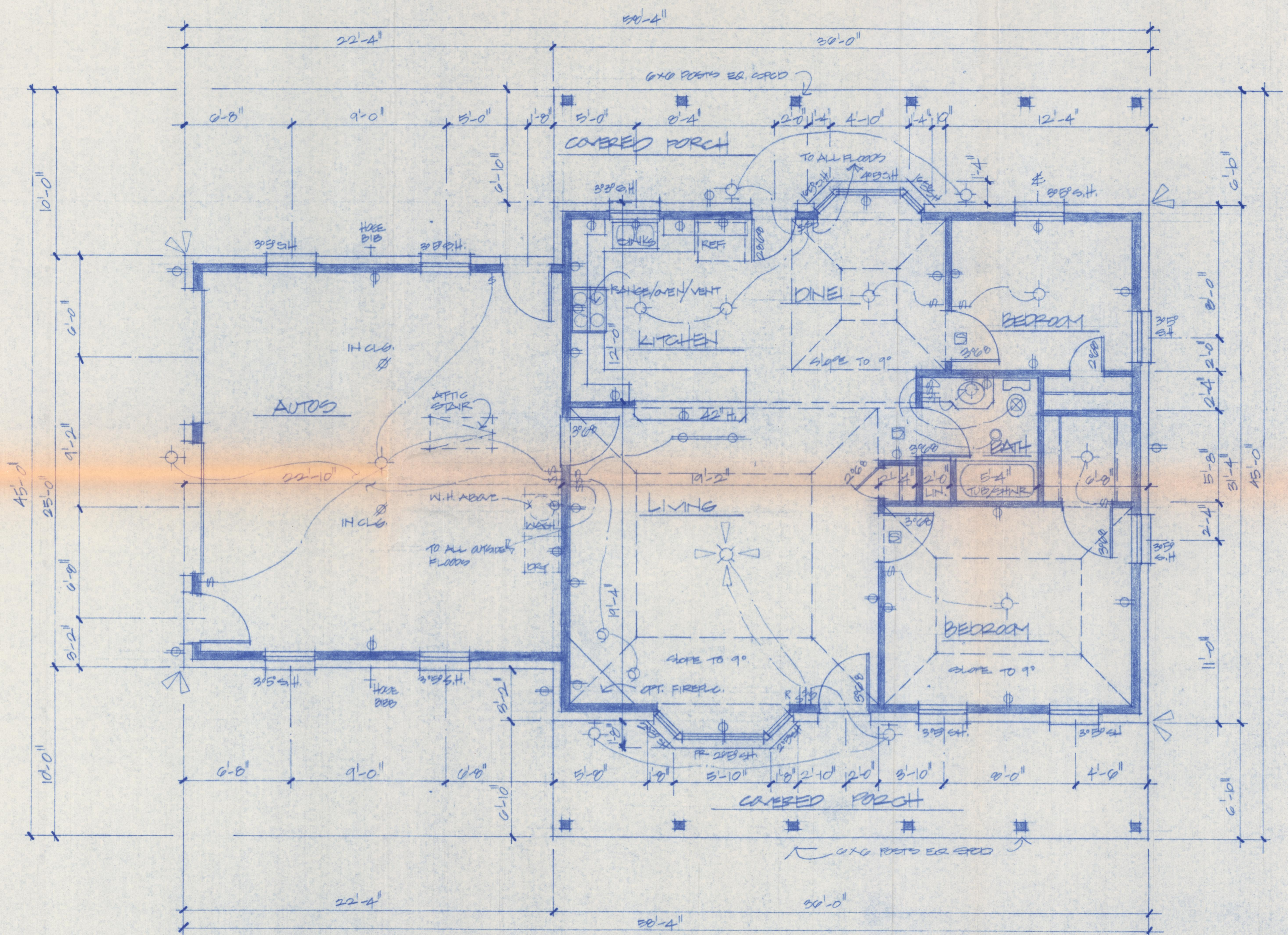
395.66'
S49°50'33"E

CECIL UNRUH RES.
LOT 4 ... BLK. C
COAST ROYALE NO 2
2.527 ACRES

CECIL UNRUH RESIDENCE
20' Building Line

129.71'

DIDGE RD.



FLOOR PLAN

1105 SF +/-
270 EXT. WALLS

1/4" = 1'-0"

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK. DO NOT SCALE THESE DRAWINGS.

GUEST HOUSE
CHRUIH RESIDENCE
KENNELL, TX

REVISIONS	DATE	JOB NO.	SHEET NO.
	01.25.92		2

59249

DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") is made this 20 day of NOV, 1985, by Cecil J. Unruh and Luanna C. Unruh (collectively, "Unruh"), Rockwall-740, Inc., a Texas corporation ("Rockwall-740"), James L. Hendricks and Barbara S. Hendricks (collectively, "Hendricks"), and Johannes Van Gorp ("Gorp"). Unruh, Rockwall-740, Hendricks and Gorp are referred to herein, collectively, as "Declarant".

WITNESSETH:

WHEREAS, Unruh, Rockwall-740, Hendricks and Gorp own the real property situated in Rockwall (the "City"), Rockwall County, Texas described in the attached Exhibit A (all of such tracts being referred to herein as the "Property");

WHEREAS, Declarant plans to develop the Property as a residential community (the Property and all improvements to be constructed thereon are hereinafter referred to as the "Project");

WHEREAS, Declarant desires to subject the Project to the covenants and restrictions hereinafter set forth in order to establish a uniform plan for the development, improvement and sale of lots in the Property and to insure the preservation of such uniform plan for the benefit of the present and future owners of such lots; and

NOW, THEREFORE, Declarant hereby does adopt, establish and impose the following restrictions, covenants and conditions upon the Property which shall constitute covenants running with the title of the lots in the Subdivision (hereinafter defined) and shall be binding upon and inure to the benefit of Declarant, its heirs, successors and assigns and each owner of lots in the Subdivision, and Declarant declares that the Property is and shall be held, transferred, sold, conveyed and occupied subject to the restrictions, covenants and conditions hereinafter set forth.

ARTICLE I

GENERAL

Section 1. Definitions. The following words, when used in this Declaration, unless the context shall prohibit, shall have the following meanings:

(a) "Lot" or "Lots" shall mean and refer to the plot or plots of land shown upon the Subdivision Plat.

(b) "Owner" shall mean and refer to each and every person or business entity (whether one or more) who is a record owner of a fee simple or undivided fee simple interest to any Lot; provided, however, the word "Owner" shall not include person(s) or entity(ies) who hold merely a lien or interest in any Lot as security for the performance of an obligation (specifically including, but not limited to, any mortgagee or trustee or beneficiary under a mortgage or deed of trust unless and until such mortgagee or beneficiary has acquired record legal title pursuant to foreclosure or any proceeding in lieu thereof).

(c) "Subdivision Plat" shall mean and refer to the map or plat of The Estates of Coast Royale No. 1, an addition to the City of Rockwall, Texas, recorded at Slide B, Page 215 of the Map and Plat Records of Rockwall County, Texas, as amended from time to time. "Subdivision" shall mean and refer to Block C of the subdivision on the Property established by and shown on the Subdivision Plat.

Section 2. Other Definitions. Other terms are defined throughout this Declaration and shall have the meanings therein set forth.

ARTICLE II

USE RESTRICTIONS

Section 1. Land Use and Building Type. All Lots shall be known, described and used for single-family residential purposes only, and no structure shall be erected, altered, placed or permitted to remain on any Lot other than single-family residences not exceeding two and one-half stories (as defined in the City of Rockwall Comprehensive Zoning Ordinance, as such may be amended from time to time) in height and garages and carriage houses (subject to the obtaining of a special use permit from the City) and storage buildings. All garages shall have doors that close. Carriage houses may be used only for guests and for living quarters of persons employed on the premises of the primary residence. No Lot shall be used for business or professional purposes of any kind or for any commercial or manufacturing purpose, except that a house built on a Lot may have a private office/study for use only by the principal residents of such house provided such private office/study is constructed as an integral part of such house. Rental of any building on a Lot for a primary term of less than one year is prohibited.

Section 2. Building Sizes. Houses to be constructed on any Lot shall contain not less than 4,200 square feet of air-conditioned living area. There must be constructed with each house on each Lot a garage of a size to accommodate not less than three passenger automobiles. Any carriage house constructed on a Lot shall contain not more than 1,200 square feet of air-conditioned space, must not exceed one story in height and must contain a garage of a size not in excess of that required to accommodate two passenger automobiles.

Section 3. Type of Construction, Materials and Landscape.

(a) Construction Materials. All construction materials shall be new, except that "antique grade bricks" may be used if approved by the Committee (hereinafter defined). No structures may be moved onto any Lot and all structures shall be of a permanent type and shall be constructed on such Lot.

(b) Masonry Construction. The exterior construction of the dwelling house erected on any Lot shall be at least 75% brick or stone masonry, exclusive of windows, doors and roofs. "Masonry" means stone or brick or veneers of same. Hardboard and aluminium siding is prohibited for use on any dwelling. All fireplaces and chimneys shall be 100% masonry construction on the exterior.

(c) Screening. All air-conditioning equipment shall be installed in the rear or in the sideyard and shall be screened from view from any street by an opaque fence or masonry wall. Gas and electrical meters shall be concealed from view from the front of each Lot.

(d) Window Air-Conditioners. No window or wall-type air conditioners shall be permitted to be used, erected, placed or maintained on or in any building on any Lot.

(e) Metal Buildings, Sheds or Structures. Metal buildings, sheds or other structures are not permitted on any Lot. All buildings, except for the dwelling house and any greenhouses, shall be at least 60% brick or stone masonry exterior.

(f) Greenhouses. Greenhouses are permitted so long as the aggregate size of greenhouses on any Lot do not exceed 400 square feet.

(g) Lawn Sprinkler Systems. That portion of the front yard of each Lot situated between the front Lot line and the stone wall constructed across the front portion of such Lot shall have an underground sprinkler system (watering system).

(h) Roof Construction. At least 75% of each roof structure shall have pitch not less than a 5/12 pitch. Mansard type roofs are specifically prohibited for use on any dwelling where such is visible from a street. All roofs shall conform to all applicable city codes and shall be wood shingle, metal, slate, clay or concrete tile.

(i) Fences. No fence on any Lot shall extend closer than 50 feet to the front Lot line of such Lot. No chain link, woven metal, wire or similar fence type shall be constructed where it can be viewed from a street. Wood fences shall be no higher than six feet and shall be constructed of redwood, cedar or cypress wood, with all posts set in cement. Any fence in the front yard of a Lot (which must be set back from the front Lot line the minimum distance specified above) shall be of brick or stone or decorative or wrought iron and shall not exceed seven feet in height from finish grade ground level.

Section 4. Building Location and Setbacks. Buildings on any Lot will be located not less than the greater of each of the required distances from the side and rear Lot lines to building line (a) as established by applicable zoning requirements of the City, or (b) as shown on the Subdivision Plat, and not less than 100 feet from the front Lot line. The front entry of each residence shall face the front Lot line.

Section 5. Re-subdivision. No Lot shall be resubdivided.

Section 6. Annoyance or Nuisances. No noxious or offensive activity shall be carried on upon any portion of the Property. Nothing shall be done upon any Lot which may be or become an annoyance or a nuisance to the Project or the Owners of Lots.

Section 7. Temporary Structures/Vehicles.

(a) No structure of a temporary character, whether trailer, tent, shack, garage, barn or other outbuilding, shall be maintained or used on any Lot at any time; provided, however, the present residence of Unruh on Lot 4 in the Subdivision and any temporary construction facilities are permitted which are necessary or convenient while selling or constructing homes and other improvements upon the Property (which may include, but are not limited to, sales and construction offices, storage areas, model units, signs and portable toilet facilities).

(b) No truck, camper, motor home, trailer or vehicle of any type (whether or not operable) or boat (whether powered, sail or otherwise) shall be parked, kept or stored for longer than a 72-hour period on any portion of a Lot not enclosed in a garage.

Section 8. Yard Lights. All Lots shall have a lighted gas or electric yard light situated not more than four feet from the rear Lot line. For Lots adjacent to an alley, such lights shall be positioned so that light will illuminate the alley for security. For Lots having no alley, the light shall be positioned in the center of the rear Lot line unless otherwise approved by the Committee (hereinafter defined).

Section 9. Signs and Billboards. No signs, billboards, posters or advertising devices of any character shall be erected, permitted or maintained on any Lot or Unit except one sign of not more than five square feet in surface area advertising the particular Owner's Lot on which the sign is situated for sale or lease or identifying the builder of the improvements on such Lot.

Section 10. Oil and Mining Operations. No oil drilling or development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any Lot. No derrick or other structure designed for use in boring for oil or natural gas or other minerals shall be erected, maintained or permitted upon any Lot.

Section 11. Storage and Disposal of Garbage and Refuse. Owners shall abide by all the rules, regulations and ordinances duly enacted by the City, including, without limitation, all such ordinances as may relate to storage and disposal of garbage, rubbish, trash or refuse. No Lot shall be used or maintained as a dumping ground for rubbish or garbage. Trash, garbage or other waste materials shall not be kept except in sanitary receptacles constructed of metal, plastic or masonry materials with sanitary covers or lids or as otherwise required by the City. All equipment for the storage or disposal of such waste materials shall be kept in clean and sanitary condition. No Lot shall be used for the open storage of any materials whatsoever which are visible from any street, except that new building materials used in the construction of improvements erected upon any Lot may be placed upon such Lot at the time construction is commenced and may be maintained thereon for a reasonable time until the completion of the improvements, after which time those materials either shall be removed from the Lot or stored in a suitable enclosure on the Lot. All yard equipment and other materials stored outside of the Unit constructed on a Lot must be stored in a garage or storage building.

Section 12. Visual Obstructions at the Intersection of Public Roads. No object, including vegetation, shall be permitted on any corner lot which either (a) obstructs reasonably safe and clear visibility of pedestrian or vehicular traffic through lines parallel to the ground surface at elevations between two feet and six feet above the streets, or (b) lies within a triangular area on any corner lot described by three points, two of such points being at the edge of the paving abutting said corner lot and at the end of 25 feet back along the curb on the two intersecting streets abutting said corner lot, and the third point being the center of the corner curb abutting said Lot.

Section 13. Antenna. No radio or television aerial wires or antennas shall extend more than six feet above the ridge line of the roof of the building on which such are located.

Section 14. Animals. No person owning or using any Lot or Lots shall keep domestic animals of a kind ordinarily used for commercial purposes nor any animals in numbers in excess of that which he may use for the purpose of companionship of the private family, it being the purpose and intention hereof to restrict the use of said property so that no person shall quarter on the premises horses, cows, hogs, sheep, goats, guinea fowls, ducks, chickens, turkeys, skunks or any other animals that may interfere with the quietude, health or safety of the Project. No more than three household pets may be kept on any Lot.

Section 15. Burning. No person shall be permitted to burn anything on any Lot.

Section 16. Burned Houses. In the event that any building has burned and is thereafter abandoned for at least 60 days, Rockwall-740 (or its successor) shall have the right (but no obligation whatsoever), after ten days written notice to the record Owner of the residence, to cause the burned and abandoned building to be removed and the remains cleared, the expense of such removal and clearing to be paid by the record Owner of such Lot. In the event of such removal and clearing, Rockwall-740 (or its successor) shall not be liable in trespass or for damages, expenses, costs or otherwise to Owner for such removal and clearing.

ARTICLE III

ARCHITECTURAL CONTROL

Section 1. Architectural Quality. It is the intention of the Owners that no residence, other building or fencing be constructed on any Lot unless, prior to the commencement of the construction thereof, the Committee, in the exercise of its sole discretion, approves in writing the plans therefor. The Committee may choose not to approve such plans for any reason it desires, including, without limitation, the Committee's dislike of the designs or appearance of such improvements.

Section 2. Designation of Committee. The Development shall have an Architectural Control Committee (the "Committee") consisting of three members who shall be Cecil J. Unruh, James L. Hendricks and Philip Hail. The vote of two or more members of the Committee shall control. The Committee shall terminate upon the completion of construction of the last residence in the Subdivision.

Section 3. Submission. So long as the Committee exists, no building, fence or other improvement shall be erected or placed on any Lot until the building plans, specifications and plot plan showing the location of same have been received and approved in writing by the Committee. Owners or building contractors shall make application for approval in writing to the Committee. In the event the Committee shall fail to approve the application within 30 days after it is submitted, it shall be deemed disapproved. The building plans shall include, as a minimum, the following:

1. All four elevations.
2. Floor plan.
3. Foundation plan.
4. Roof plan.
5. Setback lines on site plan.
6. Fence plans.

The Committee may require additional submittals at its discretion. Applications shall be submitted at the offices of Rockwall-740, Inc. or to any Committee member.

Section 4. Fees. Members of the Committee shall serve without compensation. The Committee shall set a fee for review of applications sufficient to cover its administrative expenses.

ARTICLE IV

MAINTENANCE, REPAIRS AND IMPROVEMENTS

Section 1. Building and Lot Maintenance. Each Owner shall maintain the buildings on his Lot in an attractive manner and shall not permit the paint, roof, rain gutters, downspouts, exterior walls, windows, doors, walks, driveways, parking areas, fences and other exterior portions of such buildings to deteriorate in an unattractive manner. Each Owner shall at all times keep all weeds and grass on his Lot cut in a sanitary, healthy and attractive manner, and no Owner shall permit weeds or grass to grow to a height greater than six inches upon such Lot. Each Owner of a Unit shall replace diseased, dead or dying grass, plants or trees. Vegetables shall not be grown in the front yard of any Lot. The drying of clothes outside of a fenced back yard is prohibited.

ARTICLE V

GENERAL PROVISIONS

Section 1. Binding Effect and Duration. The provisions of this Declaration shall run with and bind the land subject to this Declaration, and shall inure to the benefit of and be enforceable by Declarant, the Owners and their heirs, legal representatives, successors and assigns, for a term of 20 years from the date that this Declaration is recorded in the Deed Records of Rockwall County, Texas, after which time this Declaration automatically shall be extended for successive periods of ten years each unless an instrument signed by Owners of at least 75% of the Lots has been recorded in the Deed Records of Rockwall County, Texas agreeing to abolish or change this Declaration; provided, however, notwithstanding any action taken to abolish, amend or change this Declaration, the restrictions contained in Section II.5 shall not be abolished, amended or changed without the written consent of the City.

Section 2. Amendment. This Declaration may be abolished, amended and/or changed in whole or in part only with the written agreement of Owners of at least 75% of the Lots as evidenced by a document in writing bearing each of their signatures, with such documents to be effective when recorded in the Deed Records of Rockwall County, Texas; provided, however, notwithstanding any action taken to abolish, amend or change this Declaration, the restrictions contained in Section II.5 shall not be abolished, amended or changed without the written consent of the City.

Section 3. Enforcement. Any Owner shall have the right (but not the duty) to enforce this Declaration. Enforcement of these restrictions and covenants shall be by any proceedings at law or in equity against any person or persons violating or attempting to violate them, whether the relief sought is an injunction or recovery of damages, or both. Failure by any Owner to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. With respect to any litigation hereunder, the prevailing party shall be entitled to recover reasonable attorney's fees and court costs from the non-prevailing party.

Section 4. Severability. Invalidation of any one or more of these covenants, conditions and restrictions, or any portions thereof, by a judgment or court order shall not affect any of the other provisions or covenants herein contained, which shall remain in full force and effect. In the event any portion of this Declaration conflicts with mandatory provisions of any ordinance or regulation promulgated by the City or any other governmental or quasi-governmental ordinance, rule or regulation, then such governmental or quasi-governmental requirement shall control.

Section 5. Headings, Etc. The headings contained in this Declaration are for reference purposes only and shall not in any way affect the meaning or interpretation of this Declaration. Words of any gender used herein shall be held and construed to include any other gender, and words in the singular shall be held to include the plural and vice versa, unless the context requires otherwise.

Section 6. Notices to Owners. Any notice required to be given to any Owner under the provisions of this Declaration shall be deemed to have been properly delivered when deposited in the United States Mail, postage prepaid, certified or registered mail, return receipt requested, addressed to such Owner at the street address of the Lot owned by such Owner.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed as of this 20 day of May, 1985.

Cecil J. Unruh
Cecil J. Unruh

Luanna C. Unruh
Luanna C. Unruh

ROCKWALL-740, INC.

By: Cecil J. Unruh
Cecil J. Unruh, President

James L. Hendricks
James L. Hendricks

Barbara S. Hendricks
Barbara S. Hendricks

Johannes Van Gorp

By: Obie Veldman
Obie Veldman, his attorney-in-fact

THE STATE OF TEXAS X
 X
COUNTY OF Rockwall X

Before me, the undersigned authority, on this day personally appeared Cecil J. Unruh, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this 20 day of May, 1985.



Obie Veldman
Notary Public in and for
the State of Texas

*Reliance
Cecil*

AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

This AMENDMENT to Declaration of Covenants, Conditions and Restrictions (this "Amendment") is made as of the 20 day of January, 1986, by Cecil J. Unruh; Luanna C. Unruh; Rockwall-740, Inc., a Texas corporation; James L. Hendricks; Barbara S. Hendricks; and Johannes Van Gorp (collectively, "Declarant").

On the 20th day of May, 1985, Declarant, the owners of the real property situated in Rockwall County, Texas known and designated as THE ESTATES OF COAST ROYALE NO. 1, an Addition to the City of Rockwall, Texas, according to the map or plat thereof recorded at Slide B, Page 215 of the Map and Plat Records of Rockwall County, Texas, which real property is more particularly described in Exhibit A attached hereto and made a part hereof (the "Property"), recorded a Declaration of Covenants, Conditions and Restrictions in Volume 230, Page 519, Deed Records of Rockwall County, Texas (the "Declaration"), pertaining to all of the Property. There are no owners of the Property or any part thereof other than the undersigned. Declarant now desires to amend the Declaration as set forth hereinafter.


NOW, THEREFORE, Declarant does hereby amend the Declaration as follows:

1. Article II, Section 3(h) of the Declaration is amended to modify the first sentence of such Section to read as follows: "At least 75% of each roof structure shall have pitch not less than a 5/12 pitch, unless otherwise approved by the Architectural Control Committee.";
2. Article II, Section 3(h) of the Declaration is further amended to delete the prohibition of Mansard type roofs for use on dwellings where such is visible from a street. Declarant specifically intends that Mansard type roofs shall be permitted; and
3. All terms and provisions contained in said Article II of the Declaration that are contrary to or inconsistent with the above-stated amendments are hereby deleted.

Defined terms used in this Amendment that are not defined herein shall have the same meanings as set forth in the Declaration. Except as amended herein, the Declaration shall remain in full force and effect.

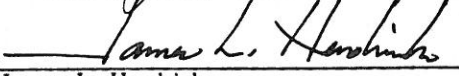
EXECUTED to be effective as of the first date above written.

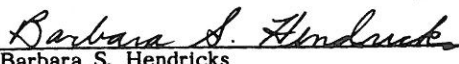

Cecil J. Unruh


Luanna C. Unruh

ROCKWALL-740, INC.

By: 
Cecil J. Unruh, President


James L. Hendricks


Barbara S. Hendricks

JOHANNES VAN GURP

By: 
Obie Veldman, his attorney-in-fact

AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

This AMENDMENT to Declaration of Covenants, Conditions and Restrictions (this "Amendment") is made as of the 11 day of NOVEMBER 1986, by Cecil J. Unruh; Luanna C. Unruh; James L. Hendricks; Barbara S. Hendricks; and Johannes Van Gorp (collectively, "Declarant").

On the 20th day of May, 1985, Declarant, the owners of the real property situated in Rockwall County, Texas known and designated as THE ESTATES OF COAST ROYALE NO. 1, an Addition to the City of Rockwall, Texas, according to the map or plat thereof recorded at Slide B, Page 215 of the Map and Plat Records of Rockwall County, Texas, which real property is more particularly described in Exhibit A attached hereto and made a part hereof (the "Property"), recorded a Declaration of Covenants, Conditions and Restrictions in Volume 230, Page 519, Deed Records of Rockwall County, Texas (the "Declaration"), pertaining to all of the Property. There are no owners of the Property or any part thereof other than the undersigned. Declarant now desires to amend the Declaration as set forth hereinafter.

NOW, THEREFORE, Declarant does hereby amend the Declaration as follows:

1. Section 2, Building Sizes of the Declaration is amended to modify the first sentence of such to read as follows:

Houses to be constructed on any Lot shall contain not less than 3,500 square feet of air-conditioned living area.

2. All terms and provisions contained in said Section 2, of the Declaration that are contrary to or inconsistent with the above-stated amendments are hereby deleted.

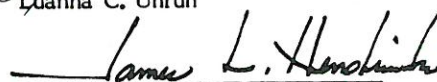
3. No part of the recorded Declarations of Covenants, Conditions and Restrictions recorded in Volume 230, Page 519, Deed Records of Rockwall County, Texas or any amendments thereto shall be construed as being a restriction on the re-construction or additions to the existing residence located on Lot 4 thereof.

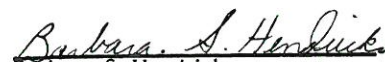
Defined terms used in this Amendment that are not defined herein shall have the same meanings as set forth in the Declaration. Except as amended herein, the Declaration shall remain in full force and effect.

EXECUTED to be effective as of the first date above written.

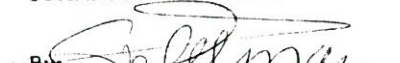

Cecil J. Unruh


Luanna C. Unruh


James L. Hendricks


Barbara S. Hendricks

JOHANNES VAN GURP

By: 
Obie Veldman, his attorney-in-fact

119402

**AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

This AMENDMENT to Declaration of Covenants, Conditions and Restrictions (this "Amendment") is made as of the 15 day of April, 1992, by Cecil J. Unruh, Luanna C. Unruh, James L. Hendricks, Barbara S. Hendricks, and Johannes Van Gurp (collectively "Declarant").

On the 20th day of May, 1985, Declarant, the owners of the real property situated in Rockwall County, Texas known and designated as THE ESTATES OF COAST ROYALE NO. 1, an Addition to the City of Rockwall, Texas, according to the map or plat thereof recorded at Slide B, Page 215 of the Map and Plat Records of Rockwall County, Texas, which real property is more particularly described in Exhibit A attached hereto and made a part hereof (the "Property"), recorded a Declaration of Covenants, Conditions and Restrictions in Volume 230, Page 519, Deed Records of Rockwall County, Texas (the "Declaration"), pertaining to all of the Property. There are no owners of the Property or any part thereof other than the undersigned. Declarant now desires to amend the Declaration as set forth hereinafter.

NOW, THEREFORE, Declarant does hereby amend the Declaration as follows:

1. **Article II, Section 3(h)(Roof Construction)** of the declaration is amended to modify the last sentence of such to read as follows: all roofs shall conform to all applicable city codes and shall be metal, slate, clay or concrete tile, composition shingles of not less than 360# weight (Prestige Plus" or "CAF Timberline ULTRA" or equivalent) with at least a 30 year life rating. Wood shingles may be used provided they are factory treated for fire resistance and they shall comply with the "1991 Uniform Fire Code" as adopted by the City of Rockwall, Texas.;

2. **Article II, Section 3 (h)** All the terms and provisions contained in said Article II of the Declaration that are contrary to or inconsistent with the above-stated amendments are hereby deleted.

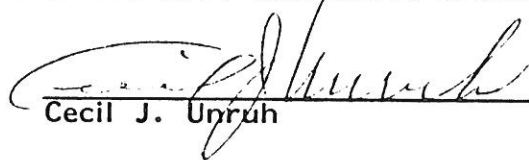
3. **Article III, (Architectural Control) Section 1 (Architectural Quality)** of the Declaration is amended to read as follows: It is the intention of the owners that no residence, other building or fencing be constructed on any lot unless, prior to the commencement of the construction thereof the committee shall approve in writing the plans therefore. The committee shall review the plans solely for compliance to the terms, conditions, setbacks, building size and building materials set forth in this Declaration.

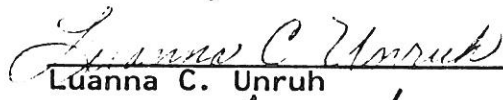
4. **Article III (Architectural Control) Section 3 (Submission)** of the Declaration is amended to modify the last sentence of the first paragraph to read as follows: The Committee shall respond in writing to each written request for "Plans" approval within 15 days of its receipt of such request.

5. **Article III, Section 1 and Section 3** All terms and provisions contained in said Article III of the Declaration that are contrary to or inconsistent with the above-stated amendments are hereby deleted.

Defined terms used in this Amendment that are not defined herein shall have the same meanings as set forth in the Declaration. Except as amended herein, the Declaration shall remain in full force and effect.

EXECUTED to be effective as of the first date above written.


Cecil J. Unruh


Luanna C. Unruh


James L. Hendricks


Barbara S. Hendricks


Johannes Van Curp
BY: Obie Veldman, his Power of Attorney

THE STATE OF TEXAS)
COUNTY OF ROCKWALL)



This instrument was acknowledged before me on the 16th day of April, 1992 by Cecil J. Unruh.

My Commission Expires: 3-27-96
Tina Burgamy
Notary Public, State of Texas
Tina Burgamy
Notary's Printed Name

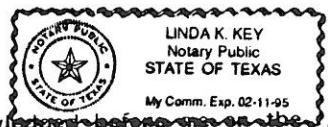
THE STATE OF TEXAS)
COUNTY OF ROCKWALL)



This instrument was acknowledged before me on the 16th day of April, 1992 by Luanna C. Unruh.

My Commission Expires: 3-27-96
Tina Burgamy
Notary Public, State of Texas
Tina Burgamy
Notary's Printed Name

THE STATE OF TEXAS)
COUNTY OF ROCKWALL)



This instrument was acknowledged before me on the 24 day of April, 1992 by James L. Hendricks.

My Commission Expires: 2-11-95
Linda K Key
Notary Public, State of Texas
Linda K Key
Notary's Printed Name

THE STATE OF TEXAS)
COUNTY OF ROCKWALL)



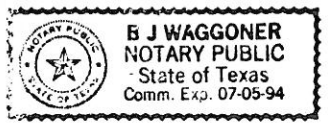
This instrument was acknowledged before me on the 24 day of April, 1992 by Barbara S. Hendricks.

My Commission Expires: 2-11-95
Linda K Key
Notary Public, State of Texas
Linda K Key
Notary's Printed Name

THE STATE OF TEXAS)
COUNTY OF NEWARK)

This instrument was acknowledged before me on the 15th day of June, 1992 by Obie Veldmen, Power of Attorney, for Johannes Van Corp.

My Commission Expires: 7-5-94
B J Waggoner
Notary Public, State of Texas
B J WAGGONER
Notary's Printed Name





CITY OF ROCKWALL
"THE NEW HORIZON"

September 18, 1992

Mr. Cecil Unruh
1722 Ridge Road
Rockwall, Texas 75087

Dear Mr. Unruh:

On Monday, September 21, 1992 at 7:00 p.m., the City Council will consider your request for a conditional use permit for guest quarters in an "SF-10" single family zoning classification on Lot 4, Block C, Estates of Coast Royale. This letter serves as a reminder that you or your representative must be present at this meeting. Should you have any questions please do not hesitate to call me at 771-7700 extension 103.

Sincerely,

Hilda Crangle
Hilda Crangle
City Secretary

TO: Julie

Wed

From: Cecil UNROH

Julie,

Between Harold Evans, Master Touch Plumbing and Souphaste (Pub) we have determined to go ahead with a No Clog LIFT STATION.

We only need to lift 2-4' and this seems to be an acceptable solution. Also we do always have the option of going down the existing south property line Easement to the Cleanout at the top of the Cat D' Sac.

I have moved the structure toward the sewer by 10' and that is it.

If you have any Questions please call
771-3865

Thanks
Cecil

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: September 10, 1992

Agenda No:

Agenda Item: P&Z 92--CUP - Hold Public Hearing and Consider Recommending Approval of a Request from Cecil Unruh for a Conditional Use Permit for Guest Quarters to be Located on Lot , Block, Estates of Coast Royale (Ridge Road)

Item Generated By: Applicant, Cecil Unruh

Action Needed: Hold public hearing and take any necessary action.

Background Information:

We have received a request for approval of a guest quarters to be used for Mr. Unruh's mother. In the single family zoning districts a second dwelling unit for quest or servant's quarters is permitted with a CUP. Such a structure cannot be used as a separate dwelling unit. We have approved quest quarters for this type of situation in the past. Mr. Unruh has a very deep lot located on Ridge Road. He plans to construct the guest quarters at the rear of the lot adjacent to the alley. Attached is a copy of the site plan and the elevation of the proposed structure. He does plan to tear down the existing main house in the future and build new a new home that would be set further back on the lot. The guest quarters would still be some distance from the main house.

The proposed structure will contain a total of 1,116 sq. ft. of living space. A copy of the elevations and the floor plan is attached. A sewer line extension or a small private lift station may be necessary to serve the structure because it is located below the main sewer line that serves these lots. Mr. Unruh is aware of this fact.

This location is somewhat different than the other locations that have been approved in the past in that the accessory structure is so far from the main structure. This is also a much larger lot than we have seen in other requests. The greatest concern in reviewing a request such as this is the issue of future rental of the accessory dwelling unit. It is less likely that a homeowner would be willing to rent out such an accessory structure if it is close to the main structure. It is Mr. Unruh's desire to have the structure for use as servant's or caretaker's quarters when his mother no longer needs to live there. He has indicated that this is the reason that he does not want the structure close to the main house.

Mr. Unruh does not indicate on his building plans what type of roof he intends to utilize. He is still in the process of determining what he intends to use on the new main structure he intends to build. The existing house has a composition roof. He has indicated that it will be either composition or metal of some type. You might have some hesitation in approving any type of metal without knowing what it was.

If the Commission recommends approval of the request, we would recommend that the following conditions be included as a minimum:

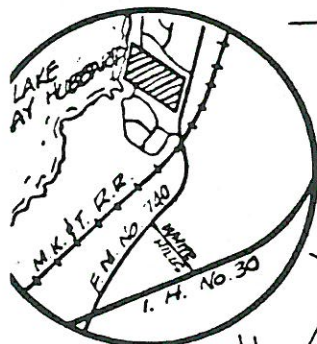
1. That there be a restriction against separate utility metering facilities for the guest quarters.
2. That the accessory structure not be used for rental purposes
3. That any substantial change in the site plan must be approved by the Commission
4. That the roof be constructed of metal standing seam or composition. Any change must be approved by the Planning and Zoning Commission.

Attachments:

1. Location Map
2. Site Plans
3. Elevations and Floor Plans

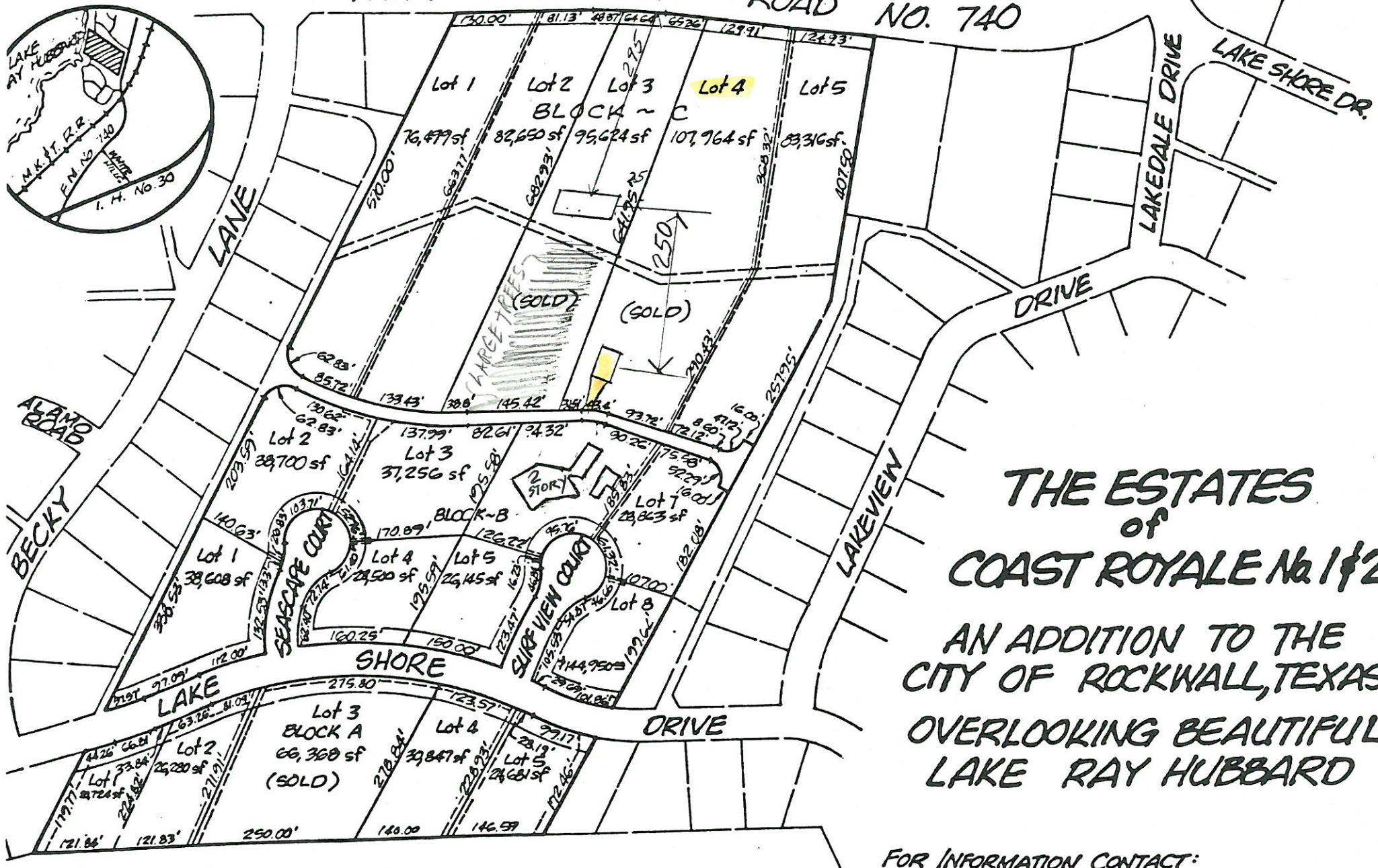
Agenda Item: Unruh CUP for Guest Quarters

Item No: III. B.



FARM TO MARKET ROAD NO. 740

Scale: 1" = 20' ± 1.07



THE ESTATES
of
COAST ROYALE No 1 & 2

AN ADDITION TO THE
CITY OF ROCKWALL, TEXAS

OVERLOOKING BEAUTIFUL
LAKE RAY HUBBARD

FOR INFORMATION CONTACT:

CECIL UNRUH
BUSINESS 771-9478 HOME 771-3862

LAKE RAY HUBBARD

LOT 7
BLOCK "B"

LOT 6
BLOCK "B"

NEW J. CERVINE
2 STORY
RESIDENCE

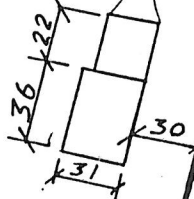
ALLEY

N37°30'02"E

93.72'

20' ALLEY

GUEST HOUSE
ONE STORY



7.5

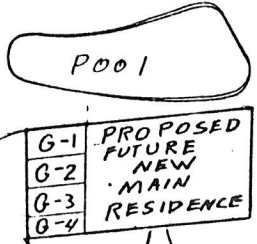
641.95'

10' UTILITY ESMT
N42°41'30"W
290.43'

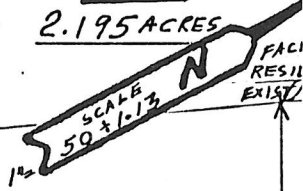
EXISTING SANITARY SEWER
LOT #4-C

BLOCK "C"
LOT 5
1.912 ACRES

N6°35'48"W
368.92'



BLOCK "C"
Lot 3
2.195 ACRES



395.66'
S49°50'33"E

CECIL UNRUH RES.
LOT 4 ... BLK. C
COAST ROYALE NO 2
2.527 ACRES

CECIL UNRUH RESIDENCE
20' Building Line

129.71'

DIDGE RD.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: September 21, 1992

Agenda No: V. J.

Agenda Item: **PZ 92-35-CUP** - Hold Public Hearing to Consider Approval of an Ordinance Granting a Request from Cecil Unruh for a Conditional Use Permit for Guest Quarters in an "SF-10" Single Family Zoning District on Lot 4, Block C, Estates of Coast Royale (1st Reading)

Item Generated By:

Action Needed:

Background Information:

Attachments:

1. Ordinance

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: September 21, 1992

Agenda No: V. J.

Agenda Item: P&Z 92-35-CUP - Hold Public Hearing and Consider Approval of a Request from Cecil Unruh for a Conditional Use Permit for Guest Quarters to be Located on Lot 4, Block C, Estates of Coast Royale (1st Reading)

Item Generated By: Applicant, Cecil Unruh

Action Needed: Hold public hearing and take any necessary action.

Background Information:

We have received a request for approval of a guest quarters to be used for Mr. Unruh's mother. In the single family zoning districts a second dwelling unit for quest or servant's quarters is permitted with a CUP. Such a structure cannot be used as a separate dwelling unit. We have approved quest quarters for this type of situation in the past. Mr. Unruh has a very deep lot located on Ridge Road. He plans to construct the guest quarters at the rear of the lot adjacent to the alley. Attached is a copy of the site plan and the elevation of the proposed structure. He does plan to tear down the existing main house in the future and build new a new home that would be set further back on the lot. The guest quarters would still be some distance from the main house. The proposed structure will contain a total of 1,116 sq. ft. of living space. A copy of the elevations and the floor plan is attached. A sewer line extension or a small private lift station may be necessary to serve the structure because it is located below the main sewer line that serves these lots. Mr. Unruh is aware of this fact.

This location is somewhat different than the other locations that have been approved in the past in that the accessory structure is so far from the main structure. This is also a much larger lot than we have seen in other requests. The greatest concern in reviewing a request such as this is the issue of future rental of the accessory dwelling unit. It is less likely that a homeowner would be willing to rent out such an accessory structure if it is close to the main structure. It is Mr. Unruh's desire to have the structure for use as servant's or caretaker's quarters when his mother no longer needs to live there. He has indicated that this is the reason that he does not want the structure close to the main house.

Mr. Unruh does not indicate on his building plans what type of roof he intends to utilize. He is still in the process of determining what he intends to use on the new main structure he intends to build. The existing house has a composition roof. He has indicated that it will be either composition or metal of some type. You might have some hesitation in approving any type of metal without knowing what it was.

If the Commission recommends approval of the request, we would recommend that the following conditions be included as a minimum:

1. That there be a restriction against separate utility metering facilities for the guest quarters.
2. That the accessory structure not be used for rental purposes
3. That any substantial change in the site plan must be approved by the Commission
4. That the roof be constructed of metal standing seam or composition. Any change must be approved by the Planning and Zoning Commission.

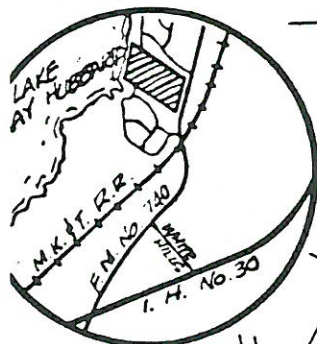
The Commission recommended approval of the request with the above stated conditions and a condition that the final location of the structure be determined prior to the City Council meeting. Mr. Unruh has indicated that the house will need to move into the lot approximately 10 feet. A copy of the revised site plan is attached.

Attachments:

1. Location Map
2. Site Plans
3. Elevations and Floor Plans

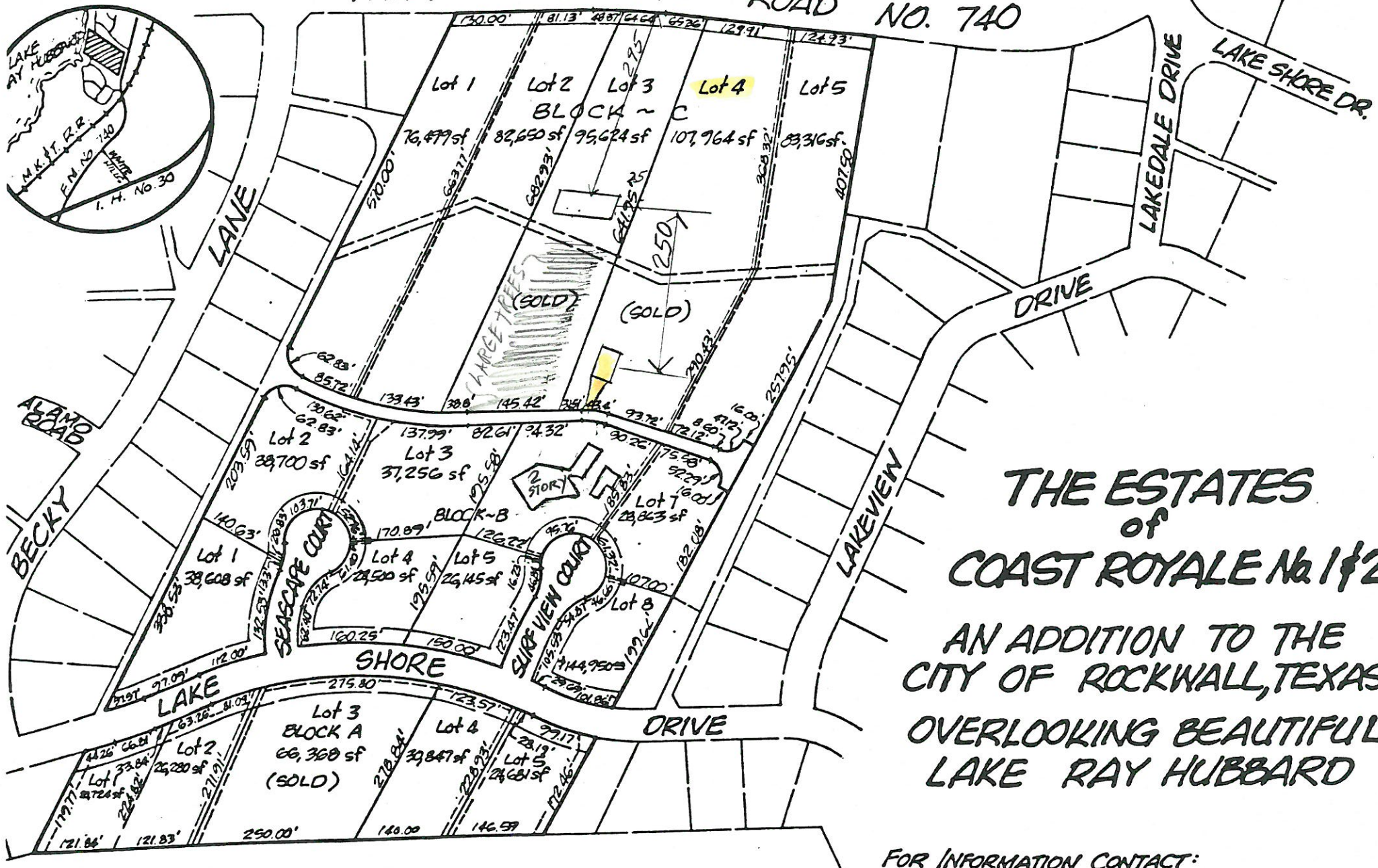
Agenda Item: Unruh CUP for Guest Quarters

Item No: V. J.



FARM TO MARKET ROAD NO. 740

Scale: 1" = 20' ± 1.07



THE ESTATES
of
COAST ROYALE No 1 & 2

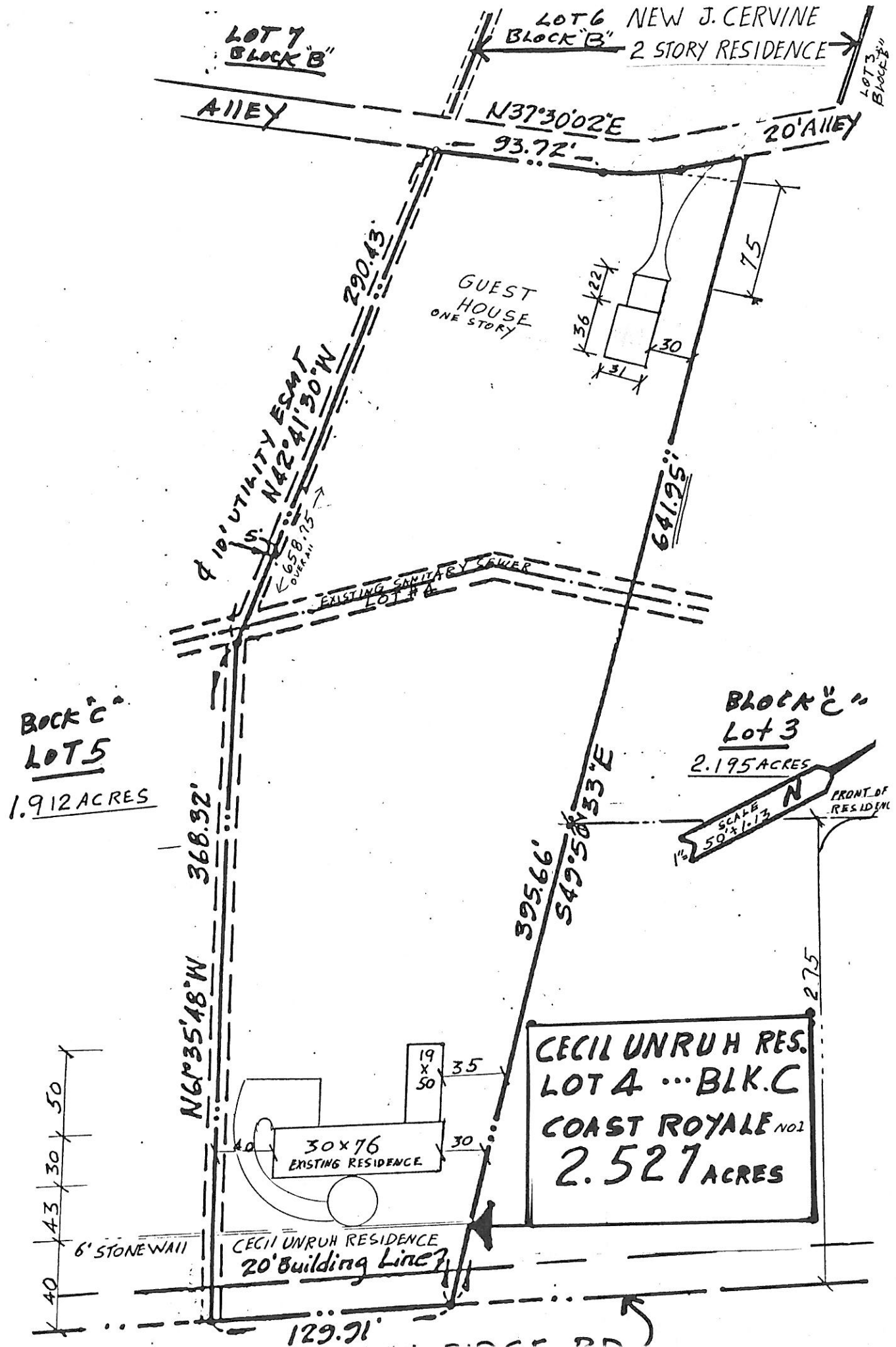
AN ADDITION TO THE
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FOR INFORMATION CONTACT:

CECIL UNRUH
BUSINESS 771-9478 HOME 771-3862

LAKE RAY HUBBARD



LOT 7
BLOCK "B"

LOT 6 NEW J. CERVINE
BLOCK "B" 2 STORY RESIDENCE

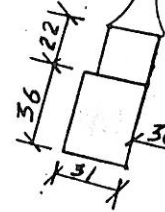
LOT 3
BLOCK "B"

ALLEY

N37°30'02"E
93.72'

20' ALLEY

GUEST
HOUSE
ONE STORY



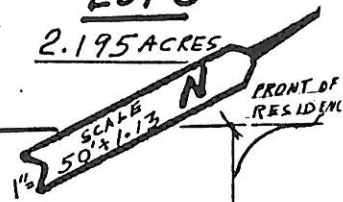
10" UTILITY EASMT
N42°41'30"W
290.43'

EXISTING SANITARY SEWER
LOT # 4

641.95'

Block "C"
LOT 5
1.912 ACRES

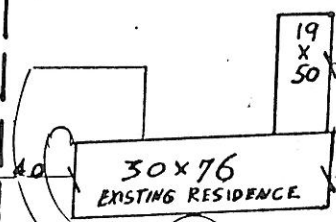
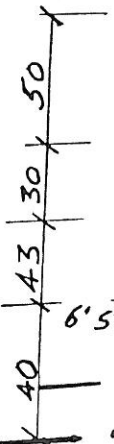
Block "C"
Lot 3
2.195 ACRES



N6°35'48"W
368.32'

395.66'
S49°50'33"E

FRONT OF
RESIDENCE



CECIL UNRUH RES.
LOT 4 ... BLK. C
COAST ROYALE NO1
2.527 ACRES

CECIL UNRUH RESIDENCE
20' Building Line?

129.71'



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on September 10, 1992 at 7:00 p.m. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on September 21, 1992 at 7:00 p.m. in City Hall, 205 W. Rusk, to consider approval of a request from Cecil Unruh for a conditional use permit for guest quarters to be located at 1722 Ridge Road further described as Lot 4, Block C, The Estates of Coast Royale No. 1 being a lot containing 2.5275 acres. As an interested property owner, you are invited to attend this meeting or make your feelings known in writing by returning the form below:

Hilda Crangle

City Secretary

Case No. PZ-92-35-CUP

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 _____

CECIL UNRUH

1. VAN GURP, JO HANNAP
C/O OBIE VELDMAN
P.O. BOX 2297
CORPUS CHRISTI, TX 75110

2. JAMES HENDRICKS
1602 RIDGE RD.
ROCKWALL

3. NABIL SAHLIYEH, TRUSTEE
6211 W. NORTHWEST HWY # C150
DALLAS, TX 75225

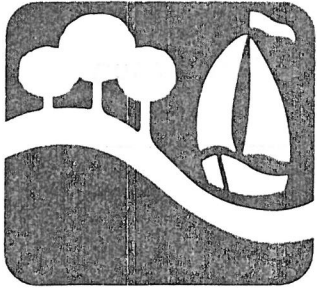
4. O.K. COPELAND
1726 RIDGE RD.
ROCKWALL

5. JAMES CERVINE
256 WINDY LN.
ROCKWALL

6. KENNETH JONES
1728 RIDGE RD.
ROCKWALL

7. PAUL REGAN
605 HIGHLAND
ROCKWALL

8. JUDITH BOWMAN
218 LAKEVIEW
ROCKWALL
9. MOHAMMED ABDELRAZIK
216 LAKEVIEW
ROCKWALL
10. WALTER ~~DIKE~~ DIKE
RT. 4 BOX 248
BROWN WOOD, TX 76801
11. LEWIS REYNOLDS
212 LAKEVIEW
ROCKWALL
12. DAN SHELLITO
210 LAKEVIEW
ROCKWALL
13. RICHARD SWETNAM
RR 3
QUITMAN, TX 75783
14. DENNIS WHITE
206 LAKEVIEW
ROCKWALL



CITY OF ROCKWALL

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Hilda Crangle
City Secretary

Case No. PZ-92-35-CUP

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

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

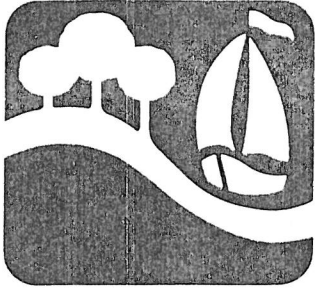
Present

- 1.- *Blocking view of Residents - I would be in favor of the guest quarters if it were attached some way to present house.*
- 2.- *concerned about what other residents might put on their property in the future.*
- 3.- *what will happen to the guest quarters when occupant was to leave?*

Signature Anita Smitman

Address Rt 3, 333 Pine Grove Dr.
Quitman Texas 75783

owner of 208 Lakeview
Rockwall Texas 75783



CITY OF ROCKWALL

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Hilda Crangle
City Secretary

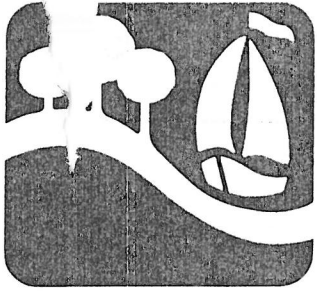
Case No. PZ-92-35-CUP

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

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

1. I would like to keep this as a single dwelling resident.
2. He is not a person good for his word.
3. He will most likely use it for ~~as~~ a business office.

Signature O. K. Coxeland
Address # 1726 Ridge Rd.



CITY OF ROCKWALL

"THE NEW HORIZON"

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Hilda Cuangle
City Secretary

Case No. PZ-92-35-CUP

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

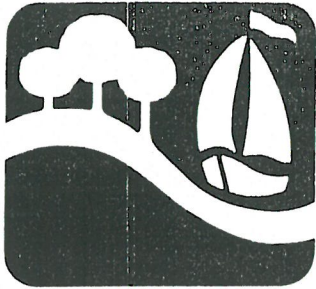
I am opposed to the request for the reasons listed below

- 1.
- 2.
- 3.

For: Hans Vaal Goff

Signature [Signature]

Address P/O Box 2297
COAST ROYALE



CITY OF ROCKWALL

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Hilda Crangle
City Secretary

Case No. PZ-92-35-CUP

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

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

1. Lots should not have 2 houses on -per city code.
2. The house will be inconsistent with existing + planned structures.
3. The proposed house will ~~not~~ hurt the values of houses in its subdivision.

Signature J.A. Bournen

Address 218 Lakeview Drive



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on September 10, 1992 at 7:00 p.m. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on September 21, 1992 at 7:00 p.m. in City Hall, 205 W. Rusk, to consider approval of a request from Cecil Unruh for a conditional use permit for guest quarters to be located at 1722 Ridge Road further described as Lot 4, Block C, The Estates of Coast Royale No. 1 being a lot containing 2.5275 acres. As an interested property owner, you are invited to attend this meeting or make your feelings known in writing by returning the form below:

Hilda Crangle
City Secretary

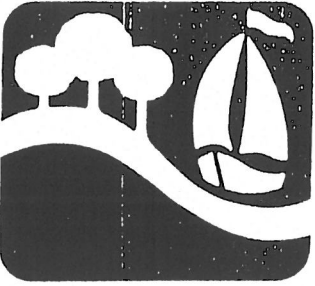
Case No. PZ-92-35-CUP

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

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

1. *It will lower property values.*
2. *We have a lot on Coast Royale.*
- 3.

Signature Bob Conrad
Address 201 Beckhouse



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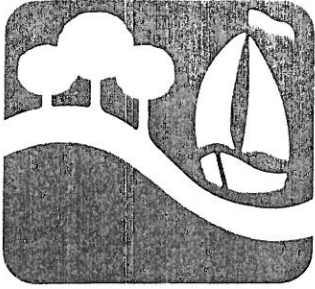
I am in favor of the request for the reasons listed below _____

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

1. 2 houses on 1 lot.
2. This proposed house will hurt values in
3. neighborhood.

Signature Dennis White

Address 206 Lakewood



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City Secretary

Case No. PZ-92-35-CUP

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

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

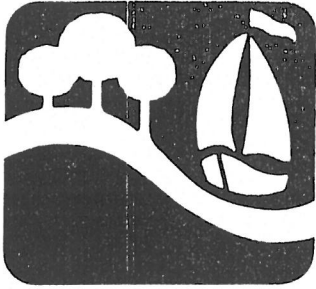
1. Not compatible with values in
2. neighborhood. Does not relate to
3. present or proposed home. This is

Signature Km Jones

Address 1722 Ridge Rd

9/17/92

a good idea when applied properly, but I feel this application clearly violates the original intent that Cecil, Jim Hendricks and I had when we agreed to enter



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Hilda Crangle
City Secretary

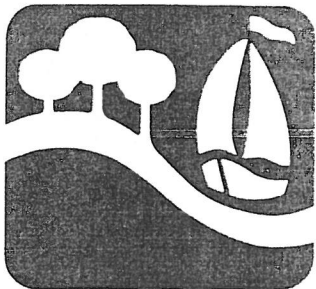
Case No. PZ-92-35-CUP

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

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

1. Too small for the neighborhood.
2. Lower property values of surrounding homes.
- 3.

Signature Mr. & Mrs R. DeFazio
Address 220 Lakeview Drive



CITY OF ROCKWALL

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Hilda Crangle
City Secretary

Case No. PZ-92-35-CUP

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

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

1. WILL TALK AT MEETING

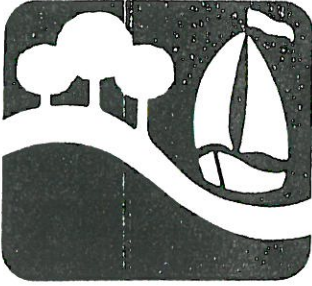
2.

3.

Signature Lance L. Handman

Address 1602 Ridge Road
Rockwall, Texas 75087

- Coast Royale 1 1/2
- o Block A Lot 1
 - o Block B Lot 1
 - o Block C Lot 1
 - o Block C Lot 3



CITY OF ROCKWALL
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Hilda Crangle
City Secretary

Case No. PZ-92-35-CUP

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

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

1. Reasons are in the attached memo.
- 2.
- 3.

Signature Barbara Hendricks
Address 1602 Ridge Road

City of Rockwall

I am opposed to the request of Cecil Unruh because he chooses to build something that is totally out of character with the standards of this development.

If it is a carriage house, as he is calling it, shouldn't it relate to his present house in style, color, and most important, the location, and not be stuck out in the open field coming off the alley. It is so far from his present house, he said he was getting a golf cart to make the trip back and forth!

It seems very unfair to all of us property owners in Coast Royale if this is allowed to happen. It will lower the value of Cecil's own property and everyone else's also. I know we didn't build our expensive home to live next

to Mr. Unruh's barn in the front (3 ft. from our fence) and his guest house in the back!

The homeowners on Lakewood Drive, who have lived there much longer than this new addition has been here, are quite incensed that Cecil would care so little about his neighbors and their property values and the aesthetics of building this small house so close to $\frac{1}{2}$ million and up estates.

Why should one person out of the entire development be permitted to build something that is opposed by so many property owners?

Why would the City of Rockwall want to set a precedent by granting an approval?

This is how the development

is presented :

"The Estates of Coast Royale"

A highly restricted luxury
single family addition.

Public Notice

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, September 10, 1992 at 7:00 p.m. and the Rockwall City Council will hold a public hearing on Monday, September 21, 1992 in City Hall, 205 W. Rusk, Rockwall, Texas, to consider the following items:

1. to consider recommending approval of a Conditional Use Permit for Guest Quarters in an "SF-10", Single Family zoning district on Lot 4, Block C, Estates of Coast Royale.

2. to consider approval of a request for a change in zoning from "A" Agricultural to "SF-16", Single Family zoning classification on a 23 acre tract of land on SH 205 south of Dalton Road.