



CITY OF ROCKWALL, TEXAS

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Korey Brooks, *Senior Planner*

CC: Ryan Miller, *Director of Planning and Zoning*

DATE: January 29, 2019

SUBJECT: MIS2019-002; *Masonry Exception for Accessory Building*

The applicant is requesting approval of a masonry exception to allow a metal accessory building on the subject property. In November 2018, the applicant submitted a request for the approval of a Specific Use Permit (SUP) for an accessory building that did not meet the requirements of the Unified Development Code (UDC). Specifically, the applicant was proposing an accessory building that exceeded the maximum size requirements (*i.e. an ~ 3,000 SF metal building*), exceeded the number of allowable accessory buildings (*i.e. there are two [2] existing metal buildings on the property*), and did not conform to the minimum masonry requirements of the Unified Development Code (UDC). On November 13, 2018, the Planning and Zoning Commission passed a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 6-0 with Vice-Chair Chodun absent. On November 19, 2018, the City Council expressed disapproval of the proposed cladding (*i.e. metal*) and the size of the building, and a motion to approve the Specific Use Permit (SUP) failed by a vote of 0-5 with Mayor Pruitt and Council Member Trowbridge absent. Since that time, the City Council approved a text amendment allowing the Board of Adjustments (BOA) the ability to grant an exception to the maximum size requirements of accessory buildings, and the Planning and Zoning Commission the ability to grant variances to the masonry requirements. This eliminated the requirement of a Specific Use Permit (SUP) for accessory buildings not meeting the requirements of the Unified Development Code (UDC).

In response to this change, the applicant submitted a request to the Director of Planning and Zoning proposing a 2,000 SF building (*i.e. 1,000 SF smaller than originally requested*) with a four (4) foot high masonry wainscot on the front facade. In accordance with Section 8.3, *City Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the UDC, the Director of Planning reviewed the request and -- *after conferring with the City Attorney* -- determined that the request represented a substantial change from the request that was denied by the City Council. It should be noted that at the time the determination was made, staff recommended to the applicant that the masonry wainscot should be extended to all four (4) sides of the building. Based on the substantial change, the applicant submitted a request for a variance to the maximum size requirements to the Board of Adjustments (BOA). On January 10, 2019, the Board of Adjustments (BOA) granted a variance [*Order No. BOA 2019-2-V*] to allow an accessory building that exceeded the maximum allowable size and the maximum number of accessory buildings permitted (*i.e. a total of three [3] accessory buildings*) on the subject property. Based on this approval, the applicant has the ability to construct a 2,000 SF accessory building meeting the minimum masonry requirements on the subject property by-right; however, since the proposed building is metal and does not conform to the minimum masonry requirements, a masonry exception from the Planning and Zoning Commission is required. According to Subsection 7.04, *Accessory Structure Development Standards*, of Article V, *District Development Standards*, of the UDC, "(a)ccessory buildings and accessory structures not meeting the masonry requirements shall require approval of an exception from the Planning and Zoning Commission." The approval of any exception to the minimum masonry requirements is a discretionary decision for the Planning and Zoning Commission.

**ORDER OF THE BOARD OF ADJUSTMENT
OF THE CITY OF ROCKWALL, TEXAS**

ORDER NO. BOA 2019-2-V

WHEREAS, the Board of Adjustment held a public hearing on the 10th day of January , 2019, to consider the application of Mr. Rubin E. Harle, as owner for the tract of land described below, for a variance from the SF-1 zoning which allows 2 accessory structures up to 225 square feet and 15' in height, or 1225 square feet and 15' high accessory structure and 1 detached garage up to 900 square feet and 15' in height.

WHEREAS, the applicant requested a variance from the said zoning which to allow an accessory structure to be built in excess of the maximum allowable size and an increase in the allowable number of accessory structures on a track of land known as Lot 5R, Block A, Zion Addition, zoned Single-Family One (SF-1) District, addressed as 825 Zion Hill Circle.

WHEREAS, after due consideration and discussion it appears that the granting of such a variance would not cause an adverse effect on the surrounding properties and would not be contrary to the public interest.

**NOW, THEREFORE BE IT ORDERED BY THE BOARD OF ADJUSTMENT
OF THE CITY OF ROCKWALL, TEXAS:**

Section 1. That all of the above premises are found and determined to be true and correct and are incorporated into the body of this order as if copied in their entirety.

Section 2. That the request from the applicant for this Board to grant a variance from the zoning, be and in the same is hereby granted so as to an accessory structure to be built in excess of the maximum allowable size and an increase in the allowable number.

Section 3. That the Building Official of the City is hereby authorized and directed to issue the appropriate permits, if any, for the above described property under the terms and conditions of this Order.

Section 4. That this Order was passed by the concurring vote of at least four (4) members of the Board of Adjustment and is effective as of the 10th day of January , 2019,

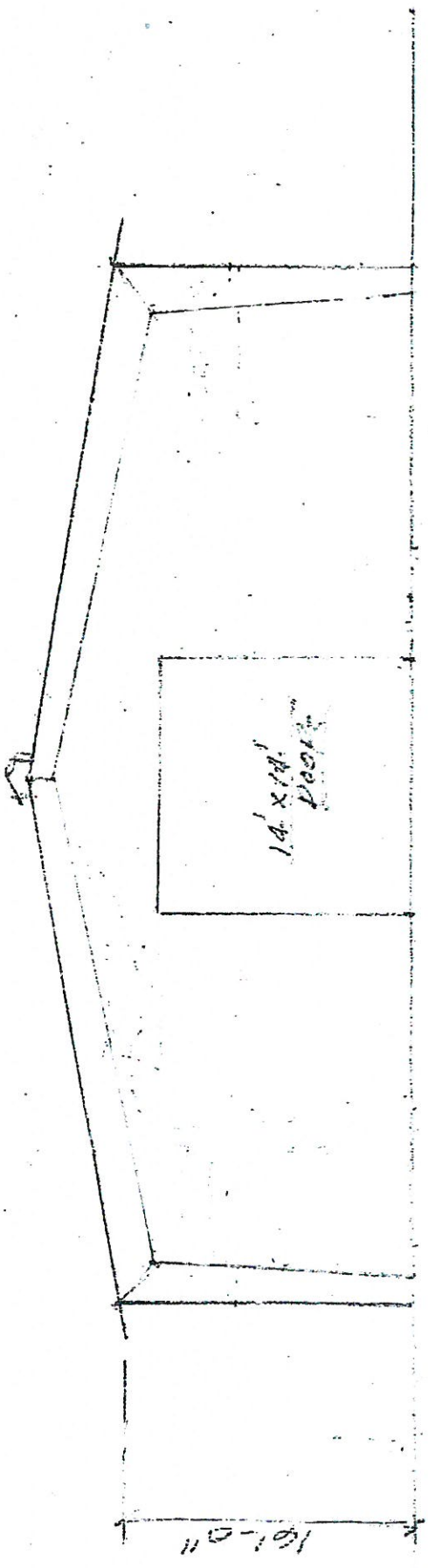
ATTEST:

Secretary

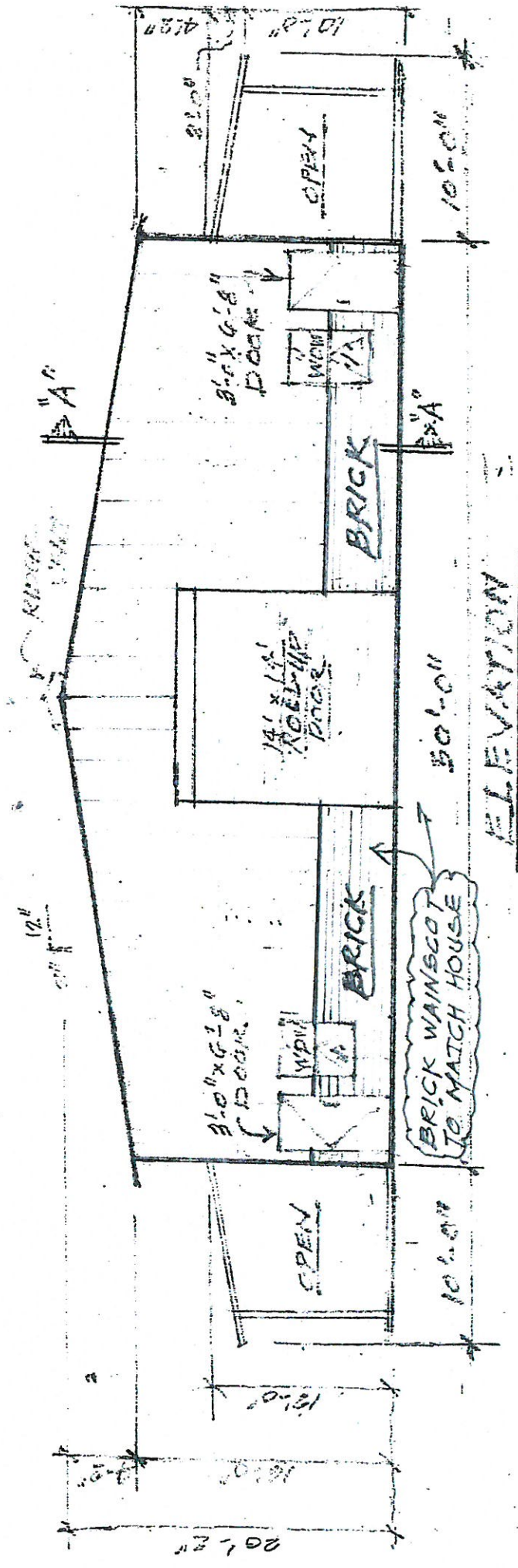
APPROVED:



Chairman



SECTION "A-A"



ELEVATION

SCALE: 1/8" = 1'-0"

HARLE KRIVORONCE
885 BORN HILL CIRCLE, ROCKVILLE

APR 1958



February 1, 2019

HARLE, REUBIN E
825 ZION HILL CIRCLE,
ROCKWALL, TX 75087

RE: EXCEPTION OR WAIVER MISCELLANEOUS (MIS2019-002), Masonry Exception for 825 Zion Hills Circle

Dear Applicant:

This letter serves to notify you that the above referenced case that you submitted before the City of Rockwall was approved by the Planning and Zoning Commission on 01/29/2019. The following is a record of all recommendations, voting records and conditions of approval:

CONDITIONS OF APPROVAL:

If the Planning & Zoning Commission and City Council choose to approve the applicant's request staff would recommend the following conditions:

- 1) Any construction or building allowed by this request must conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.*

PLANNING AND ZONING COMMISSION:

On January 29, 2019, the Planning and Zoning Commission's motion to approve the masonry exception with the condition that a metal wainscot be applied to three (3) sides of the building and a brick wainscot on the front of the building passed by a vote of 7-0.

Please contact the City of Rockwall Planning Staff at (972) 771-7745 with any questions regarding this matter.

Sincerely,

Korey Brooks, AICP
Senior Planner
Planning & Zoning Department
City of Rockwall, TX