



# PLANNING AND ZONING CASE CHECKLIST

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

P&Z CASE # MIS2021-610 P&Z DATE \_\_\_\_\_ CC DATE \_\_\_\_\_ APPROVED/DENIED

ARCHITECTURAL REVIEW BOARD DATE \_\_\_\_\_ HPAB DATE \_\_\_\_\_ PARK BOARD DATE \_\_\_\_\_

ZONING APPLICATION
<input type="checkbox"/> SPECIFIC USE PERMIT
<input type="checkbox"/> ZONING CHANGE
<input type="checkbox"/> PD CONCEPT PLAN
<input type="checkbox"/> PD DEVELOPMENT PLAN

SITE PLAN APPLICATION
<input type="checkbox"/> SITE PLAN
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN
<input type="checkbox"/> PHOTOMETRIC PLAN
<input type="checkbox"/> BUILDING ELEVATIONS
<input type="checkbox"/> MATERIAL SAMPLES
<input type="checkbox"/> COLOR RENDERING

PLATTING APPLICATION
<input type="checkbox"/> MASTER PLAT
<input type="checkbox"/> PRELIMINARY PLAT
<input type="checkbox"/> FINAL PLAT
<input type="checkbox"/> REPLAT
<input type="checkbox"/> ADMINISTRATIVE/MINOR PLAT
<input type="checkbox"/> VACATION PLAT
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN

<input type="checkbox"/> COPY OF ORDINANCE (ORD.# _____)
<input checked="" type="checkbox"/> APPLICATIONS
<input checked="" type="checkbox"/> RECEIPT
<input checked="" type="checkbox"/> LOCATION MAP
<input type="checkbox"/> HOA MAP
<input type="checkbox"/> PON MAP
<input type="checkbox"/> FLU MAP
<input type="checkbox"/> NEWSPAPER PUBLIC NOTICE
<input type="checkbox"/> 500-FT. BUFFER PUBLIC NOTICE
<input type="checkbox"/> PROJECT REVIEW
<input type="checkbox"/> STAFF REPORT
<input type="checkbox"/> CORRESPONDENCE
<input type="checkbox"/> COPY-ALL PLANS REQUIRED
<input type="checkbox"/> COPY-MARK-UPS
<input type="checkbox"/> CITY COUNCIL MINUTES-LASERFICHE
<input type="checkbox"/> MINUTES-LASERFICHE
<input type="checkbox"/> PLAT FILED DATE _____
<input type="checkbox"/> CABINET # _____
<input type="checkbox"/> SLIDE # _____
<b>NOTES:</b> _____
_____
_____
_____
_____
<b>ZONING MAP UPDATED</b> _____



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

### STAFF USE ONLY

PLANNING & ZONING CASE NO. M152021-010

**NOTE:** THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

#### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
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- PLAT REINSTATEMENT REQUEST (\$100.00)

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- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

#### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST (\$100.00)

#### NOTES:

<sup>1</sup>: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 54 Shady Dale, Rockwall, Texas 75032

SUBDIVISION Best Estate

LOT BLOCK

GENERAL LOCATION 2.6 acres located at the corner of Shady Dale and Ridge Road

### ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING James Best CURRENT USE Same

PROPOSED ZONING Fence variance PROPOSED USE Same

ACREAGE 2.6 acres LOTS [CURRENT] 1 LOTS [PROPOSED] 1

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

### OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER James Best  APPLICANT Andrew D. Thomas

CONTACT PERSON Andrew D. Thomas CONTACT PERSON Andrew D. Thomas

ADDRESS ADDRESS 422 E I-30, Suite F

CITY, STATE & ZIP CITY, STATE & ZIP Royse City, Texas 75189

PHONE PHONE (469) 965-4500

E-MAIL E-MAIL andrew@law-adt.com

### NOTARY VERIFICATION [REQUIRED]

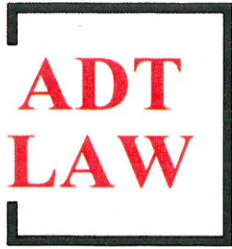
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Andrew Thomas [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 100.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 20 DAY OF August 20 21. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 18 DAY OF August, 20 21.

OWNER'S SIGNATURE [Signature]  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Barbara Jackson





ANDREW D. THOMAS  
F. DUNCAN THOMAS

LAW OFFICE OF ANDREW D. THOMAS  
422 E I-30, SUITE F  
ROYSE CITY, TEXAS 75189

T: (469) 965-4500  
F: (469) 965-4550  
ANDREW@LAW-ADT.COM

**TO:** City of Rockwall Planning & Zoning Department  
**FROM:** James Best c/o Andrew D. Thomas  
**RE:** Variance Request: Fencing at 54 Shady Dale, Rockwall, Texas 75087  
**DATE:** August 18, 2021

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### Variance Request

The homeowners, James and Kimberly Best, request the Planning & Zoning Commission (**P&Z Board**) grant a variance to City of Rockwall Unified Development Code § 08.08.03(D) allowing the homeowners to:

- Continue an 8-foot cedar fence<sup>1</sup> approximately 90 feet past the front building façade on the north side of the property;
- Construct a 6-foot aluminum wrought iron styled fence from the end of the 8-foot cedar fence to the front set-back line of the property, across the front of the property to the Shady Dale set back line, down Shady Dale to a column on the west side of the driveway;
- Construct two 7-foot cast stone and stucco columns on either side of the driveway with a 6-foot-tall automatic steel gate between the columns;
- Construct a 6-foot aluminum wrought iron styled fence from the east driveway column to the front building façade; and
- Construct an 8-foot cedar fence from the front building façade along Shady Dale to the existing 8-foot cast-concrete fence.

A plat of the property identifying the requested variances is attached as **Exhibit A** and the requests are discussed in more detail below.

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<sup>1</sup> On April 22, 2021, the City of Rockwall issued permit RES2021-1285 approving the construction of an 8-foot cedar fence from the Northeast corner of the property to the front corner of the house. *See* Exhibit B.

### **Brief Statement**

The homeowners are senior citizens that travel 12-15 weeks a year. Due to their age and travel schedule, they desire a fully fenced and gated property to protect them and their property when they are away, and to secure the swimming pool being constructed on the property.

The property is a 2.6-acre tract located at the intersection of Ridge Road and Shady Dale Lane. The property is zoned single family 16 and subject to the General Residential District Standards and Residential District Development Standards. See §§ 05.03.06, 05.03.01, and 05.07.01. The property setbacks are: (1) 25-feet along Ridge and Shady Dale Roads, (2) 10-feet in the rear, and (3) 8-feet to the north. See § 05.07.01.

### **Building Code Requirements**

The applicable fencing requirements are:

**.08.08.03(D)(1)(a)** – Side Yard Fences. Side yard fences shall not extend beyond the front façade of a single-family structure. In cases where a structure has a front porch or other encroachment, the fence shall not extend beyond where the front porch or encroachment meets the front façade of the single-family structure (as depicted in Figure 18).

**.08.08.03(D)(1)(d)** – Corner Lots. Corner lots shall be permitted to construct a fence along the side yard property line adjacent to a street (as depicted in Figure 14); however, in cases where a house is facing in the same direction as the side yard of a corner lot, the side yard fence adjacent to the street shall not extend beyond the front yard building setback (as depicted in Figure 16).

**.08.08.03(D)(2)** – Fences in the Front Yard. No fence shall be constructed in the front yard of a residential property without being granted an exception from the Planning and Zoning Commission unless specifically permitted by Subsection 08.03(D)(3). For the purposes of this provision the front yard is defined as the area between the front façade of the primary structure and the front property line (as depicted in Figure 14). The Planning and Zoning Commission may authorize the issuance of an exception for the construction of a front yard fence subject to the following provisions:

- (a) Wood Fences. Wood fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 42-inches in height.
- (b) Wrought Iron or Decorative Metal Fences. Wrought iron or decorative metal fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 48-inches in height.

- (c) Opaque Fences. Opaque fences are prohibited in the front yard of residential properties.

In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

### Discussion

#### 1. 8-foot cedar fence – north side.

The homeowners have been approved for an 8-foot cedar fence from the northeast corner to the front building façade of the home being constructed. *See Exhibit B*. The property to the north has a chain link fence running from its southwestern corner west to a point perpendicular to its front building façade. Because the neighboring property is constructed closer to Ridge Road, the chain link fence continues for approximately 90 feet in front of the subject property's front building façade and the neighbor's utility shed sits adjacent to the chain link fence and in front of the front building façade of the subject property. *See Exhibit C*.





The homeowners want to extend the 8-foot cedar fence from their front building façade approximately ninety feet to the end of the chain link fence. Pictures demonstrating the style of the proposed 8-foot cedar fence are attached as **Exhibit D**. Extending the cedar fence along the chain link fence will not impede the visibility of drivers along Ridge Road or neighboring property owners because the neighboring property is already heavily landscaped with trees and hedges along the fence line preventing visibility through chain link fence. Extending the fence will only affect the subject property and the neighboring property to the north providing additional privacy to both homeowners.

## **2. 6-foot aluminum wrought iron styled-fence.**

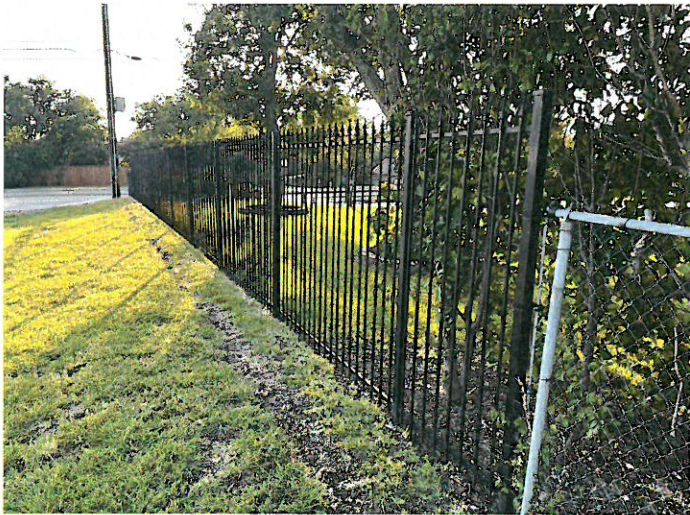
The homeowners want to construct a 6-foot aluminum wrought iron styled fence from the end of the proposed 8-foot cedar fence to the front set back line, across the property to the Shady Dale set back line, and then to a point along Shady Dale perpendicular to the front building façade. *See Exhibit C*. Because of the homeowners' age and travel schedule, they desire a fully fenced and gated property for their protection and security. Having an entirely fenced and gated property would also provide additional security for the lap pool being constructed on the property. *See Rockwall Code of Ordinances § 10-425*.

A picture demonstrating the style of the proposed 6-foot aluminum wrought iron styled fence is attached as **Exhibit E** and a schematic identifying the dimensions of the proposed fence is attached as **Exhibit F**. The fence will be constructed using 6-foot spires and have a 2-inch gap underneath the bottom of the fence for drainage.

Construction of a 6-foot aluminum wrought iron styled fence on the front and side of the property is consistent with several fences on nearby properties along Ridge Road. The property directly to

the north has a 6-foot wrought iron fence separating it from the subject property and 4-foot fences that appear to be within the setback line.

**3187 S. Ridge Road**



Across the street, Chandler’s Landing has a 6-foot wrought iron fence facing ridge road.

**Chandler’s Landing**



Across the street and to the north of the subject property, several properties have solid, 8-foot wooden fences (at the back of the properties) that face Ridge Road.

**5303 Yacht Club Drive**



**2705 Cedar Court**



**2701 Cedar Court**





Due to the heavy traffic on Ridge Road and the speed to which it travels, front yard fences are very common in and around the subject property.

**3187 S. Ridge Road**



**1 Shadydale Lane**



**3201 Ridge Road**



**3. 7-foot cast stone and stucco columns with 6-foot steel automatic gate.**

The homeowners want to build two 7-foot stone and stucco columns on either side of the driveway to support and house a 6-foot steel automatic gate. A diagram of the proposed columns and gate is attached as **Exhibit G**. The columns would be constructed to match the architecture of the house. The automatic steel gate would provide safety and security to the homeowners.

The proposed columns are consistent in size and material to columns located on nearby properties. With regard to the steel gate, the neighboring property to the north has a wrought iron automatic gate, and across the street Chandler’s Landing has two 6-foot automatic gates.

**Benton Woods**



**Chandler’s Landing**

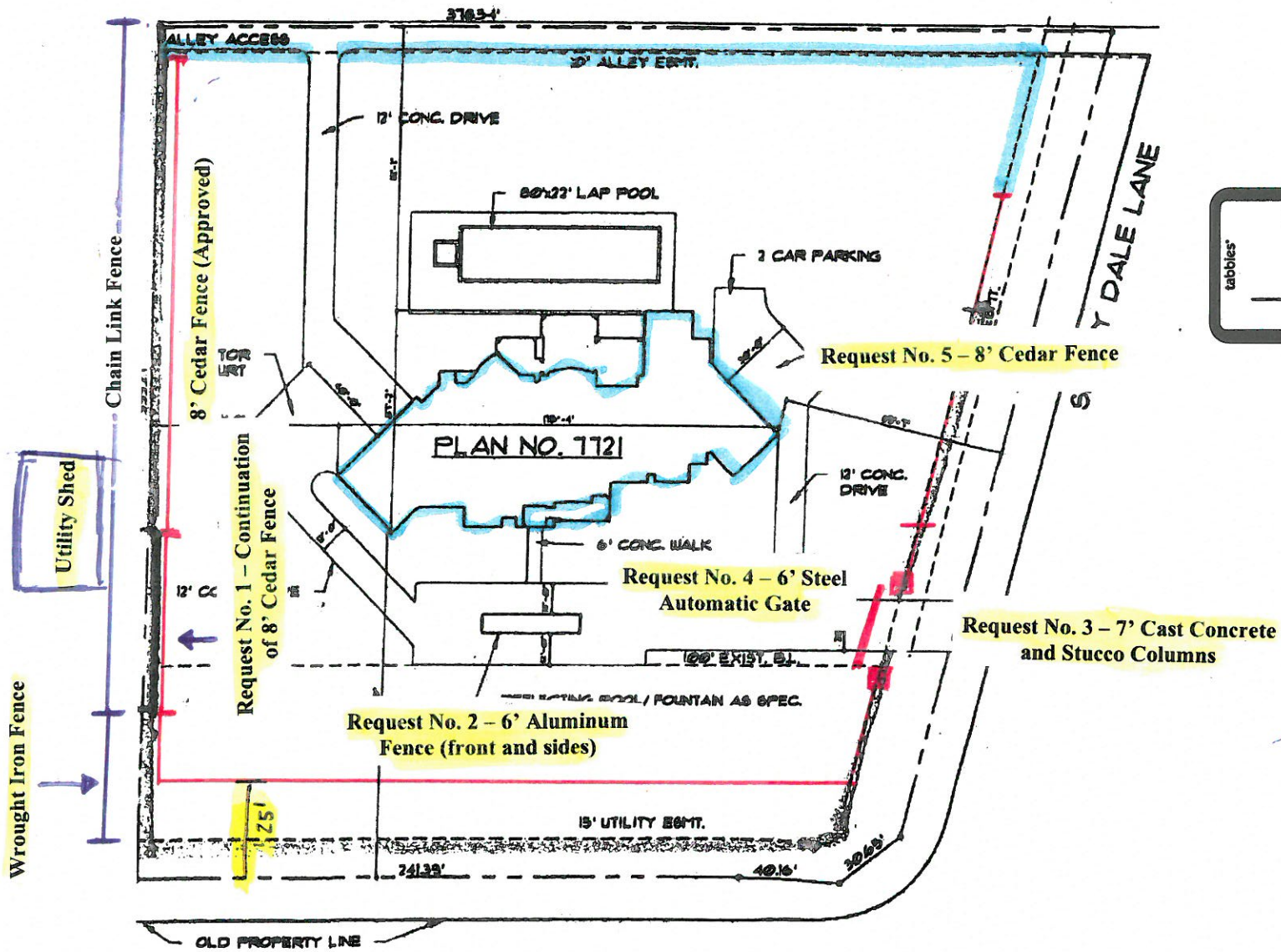


**3187 S. Ridge Road**



**4. 8-foot cedar fence along Shady Dale**

The homeowners intend to connect the end of the 6-foot aluminum wrought iron styled-fence along Shady Dale to the existing cast concrete fence with an 8-foot cedar fence identical in style to the 8-foot cedar fence along the northern side of the property.



tabbles®  
**EXHIBIT**  
**A**



City of Rockwall  
The New Horizon

# CITY OF ROCKWALL BUILDING PERMIT

BUILDING INSPECTIONS DEPT.  
385 S. GOLIAD  
ROCKWALL, TX 75087  
Phone (972) 771-7709

Schedule Inspections: -  
<http://www.rockwall.com/buildinginspections/inspectionReq.asp>

PERMIT RES2021-1285

CONSTRUCTION ADDRESS 54 SHADYDALE LN, ROCKWALL, 75032		TYPE/SUBTYPE Residential Building Permit / Fence Permit	
SUBDIVISION BEST ESTATE ADDITION, BLOCK A, LOT 1, ACRES 2.6			ZONING SF-16
BUILDING OWNER James Best	MAIL ADDRESS 54 Shady Dale Lane	CITY, STATE, ZIP Rockwall, TX, 75032	PHONE
GENERAL CONTRACTOR B&L IRON INC	MAIL ADDRESS PO BOX 628	CITY, STATE, ZIP Caddo Mills, TX, 75135	PHONE 903-527-5577
ELECTRICAL CONTRACTOR	MAIL ADDRESS	CITY, STATE, ZIP	PHONE
PLUMBING CONTRACTOR	MAIL ADDRESS		PHONE
MECHANICAL CONTRACTOR	MAIL ADDRESS		PHONE



BUILDING INFORMATION						
SFR/MFR:	Proposed SF:	Valuation of Work	Garage SF:	Structure Height:	Lot Size :	Plan Number:


PERMIT DESCRIPTION: Install a 8 ft. tall fence made of cedar boards and iron frame and posts as pictured.

CITY REMARKS/DESC:

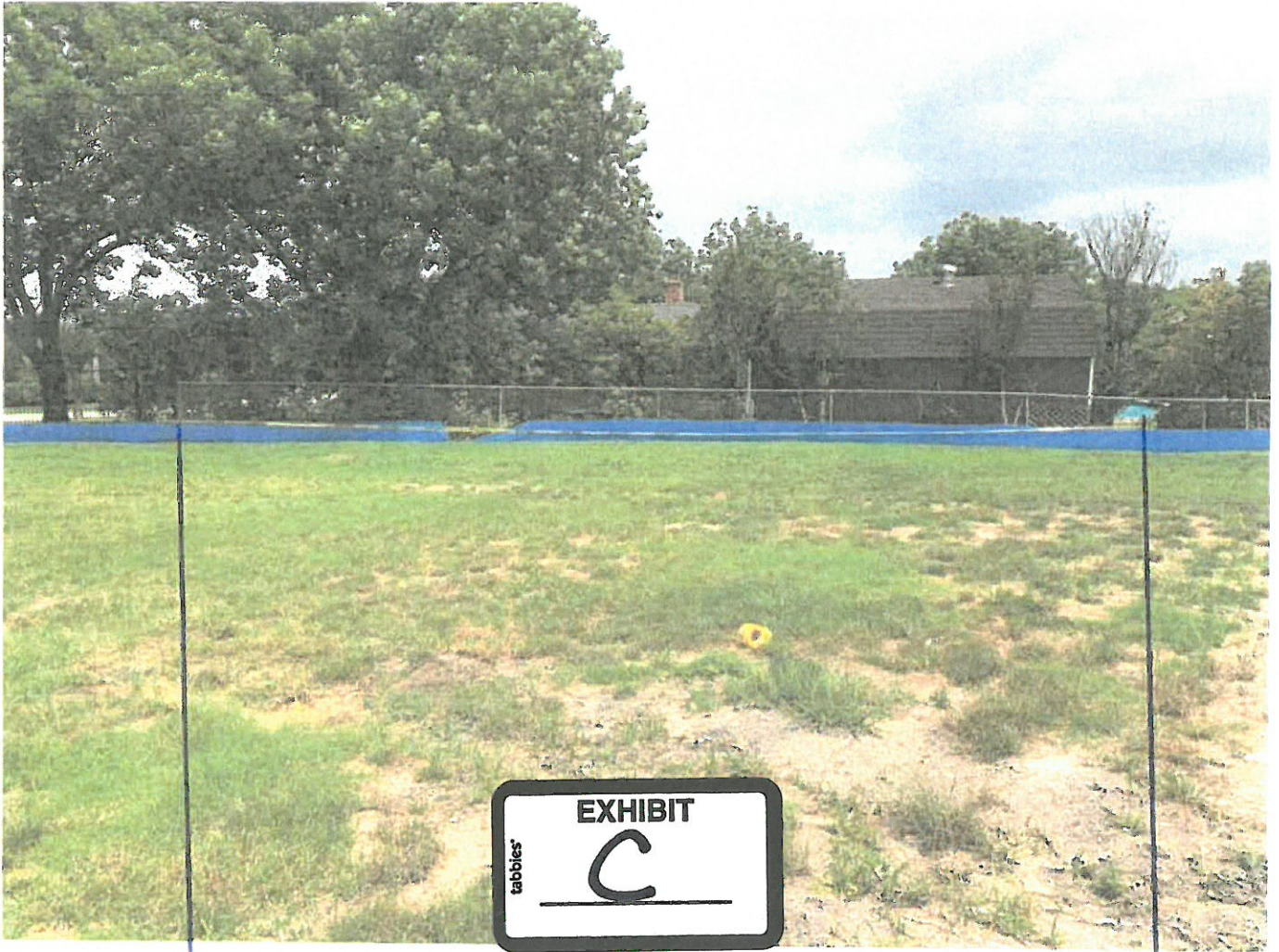
NEW FENCE SHALL STOP AT THE FRONT CORNER OF THE HOUSE INDICATED BY THE RED LINE, NOT ENCROACH THE FRONTYARD. FENCE/POSTS SHALL NOT EXCEED 8 FEET IN HEIGHT MEASURED FROM THE GROUND TO THE TOP OF THE FENCE/POST AT ANY LOCATION

NOTICE TO APPLICANT: THIS PERMIT IS ISSUED ON THE BASIS OF INFORMATION FURNISHED IN THIS APPLICATION AND ON ANY SUBMITTED PLANS. AND IS SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF THE CITY OF ROCKWALL CODE OF ORDINANCES AND ANY OTHER APPLICABLE ORDINANCE. THIS PERMIT IS ISSUED ONLY FOR THE PURPOSE OF ALLOWING CONSTRUCTION OF A BUILDING OR STRUCTURE CONFORMING TO THE CODES AND ORDINANCES OF THE CITY, REGARDLESS OF INFORMATION AND/OR PLANS SUBMITTED.

SCOPE OF PERMIT: FOR NEW BUILDINGS AND FOR ADDITIONS TO EXISTING BUILDINGS, THIS PERMIT AUTHORIZES ALL STRUCTURAL, PLUMBING, ELECTRICAL, MECHANICAL, WORK TO BE PERFORMED IN THE CONSTRUCTION OF THE BUILDING OR STRUCTURE AT THIS ADDRESS, IF DONE AT THE SAME TIME OF INITIAL CONSTRUCTION. NO SEPARATE SUBCONTRACTOR PERMITS ARE NEEDED FOR THOSE TRADES. HOWEVER, THE PERMIT HOLDER IS REQUIRED TO USE ONLY SUBCONTRACTORS LICENSES, REGISTERED, OR BONDED BY THE CITY OF ROCKWALL WHERE SUCH REQUIREMENT IS APPLICABLE.

I HEREBY ACCEPT ALL CONDITIONS HEREIN ABOVE MENTIONED AND CERTIFY THAT ALL STATEMENTS HEREIN RECORDED BY ME ARE TRUE.  _____ AGENT OR APPLICANT  _____ (DATE)   _____ CITY APPROVAL 04/22/2021 _____ (DATE)	<b>ESTIMATED VALUE (MFR ONLY):</b>								
	<table border="1"> <tr> <td>Credit Card Processing Fee</td> <td>01-4015</td> <td>\$1.00</td> </tr> <tr> <td>Fence Permit Fee</td> <td>01-4302</td> <td>\$50.00</td> </tr> <tr> <td colspan="2"><b>TOTAL FEES</b></td> <td><b>\$51.00</b></td> </tr> </table>	Credit Card Processing Fee	01-4015	\$1.00	Fence Permit Fee	01-4302	\$50.00	<b>TOTAL FEES</b>	
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<b>TOTAL FEES</b>		<b>\$51.00</b>							

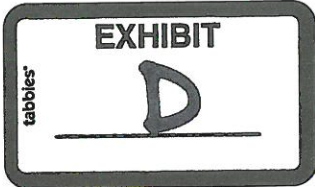
fence

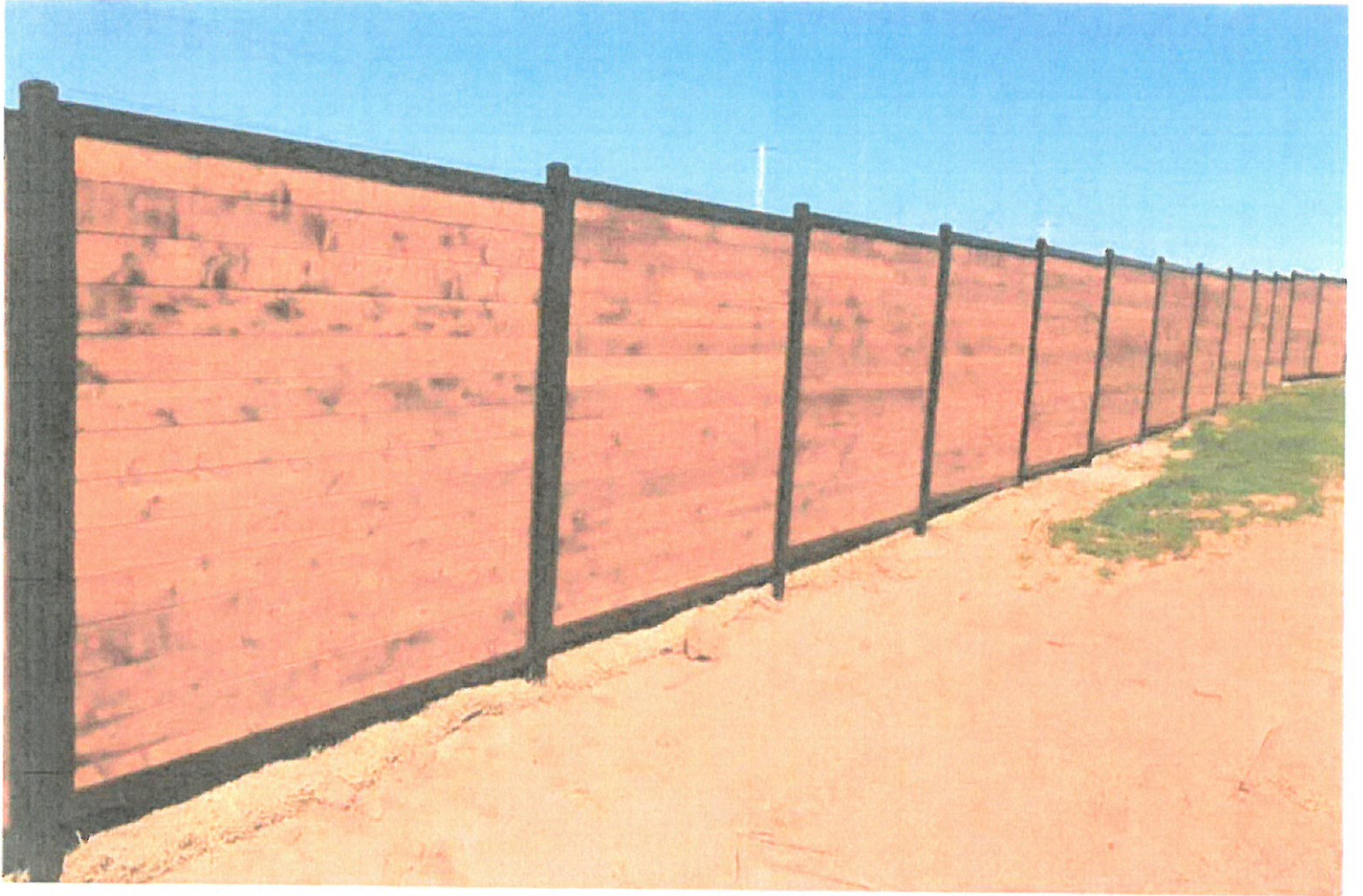


Proposed new cedar fence to  
cover chain link fence  
on neighboring property

Front of my house - Build line  
Present permit stops fence here

fence









Colors

Options

Accessories

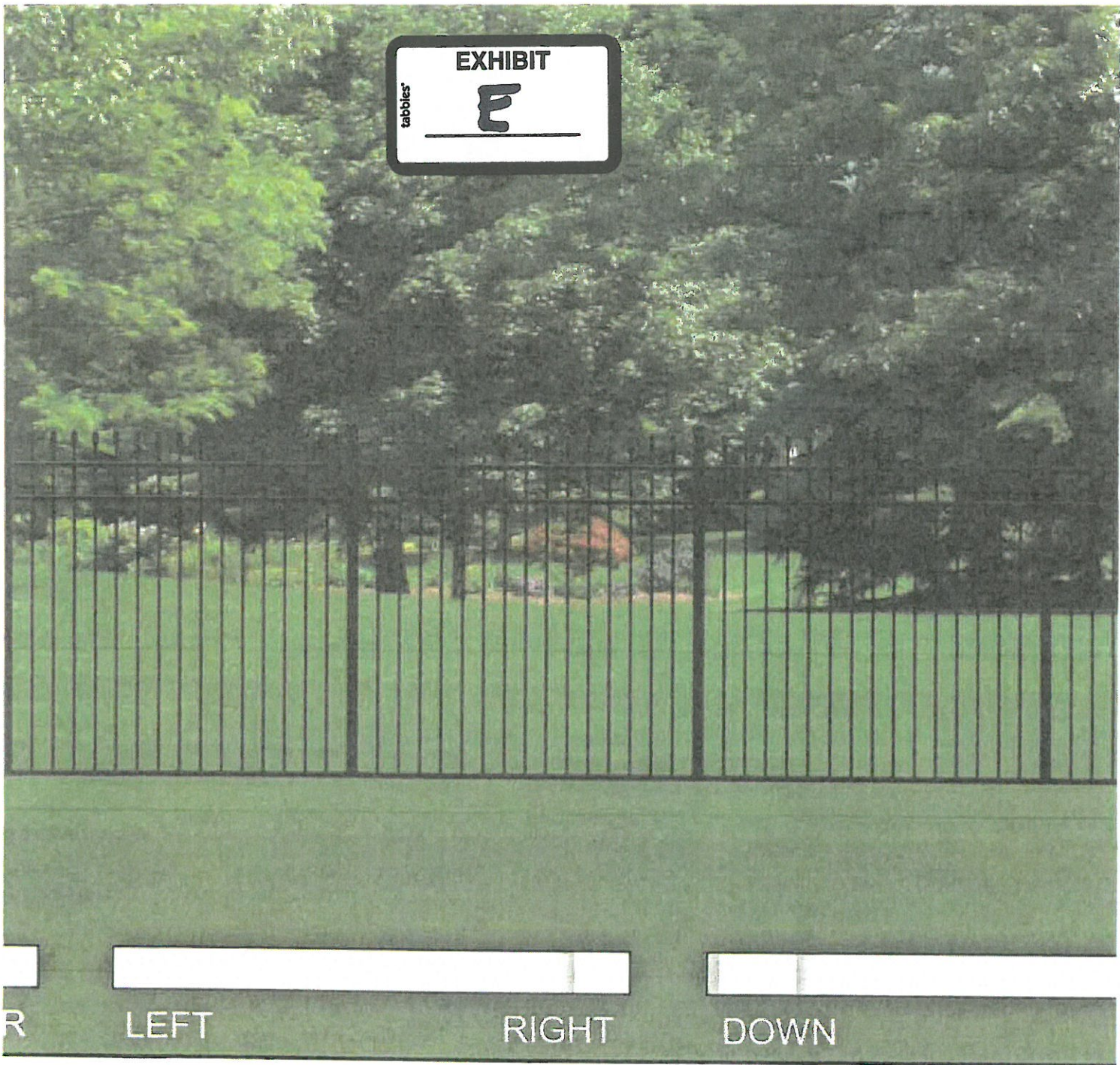


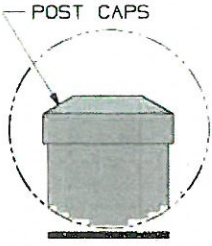
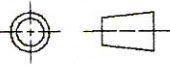
EXHIBIT  
tabbies  
E

R

LEFT

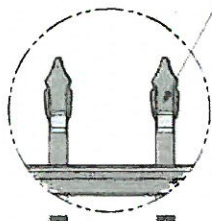
RIGHT

DOWN



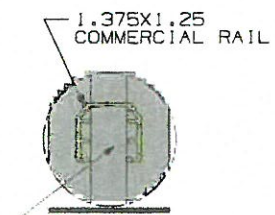
POST CAPS

DETAIL B  
SCALE 1:2



COMERCIAL  
SPEAR TOP

DETAIL A  
SCALE 1:4



1.375X1.25  
COMMERCIAL RAIL

3/4" X 3/4" X .055 WALL  
COMMERCIAL PICKET

DETAIL C  
SCALE 1:2

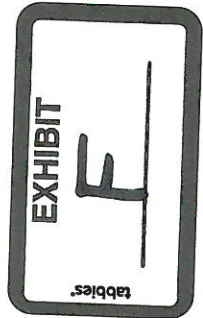


EXHIBIT  
F



SECTION D-D

72.000  
OVERALL  
HEIGHT

60.25"  
(A)

6.000

2.000

D A

3 5/8" NOMINAL

4.500  
6.000

OPTIONAL 4TH RAIL

FINISHED GRADE

D

73.000  
CENTER TO CENTER  
AS SHOWN WITH  
2 1/2" X 2 1/2" POST

POST OPTIONS —  
2" X 2" X .080" WALL  
2" X 2" X .125" WALL  
2 1/2" X 2 1/2" X .100" WALL  
3" X 3" X .125" WALL

HEIGHT	A
3'	24 1/4"
3 1/2'	30 1/4"
4'	36 1/4"
4 1/2'	42 1/4"
5'	48 1/4"
6'	60 1/4"

3D CAD MASTER PART NAME:

ALL DIMENSIONS IN INCHES



ULTRA ALUMINUM MANUFACTURING, INC.  
2124 GRAND COMMERCE DR. HOWELL, MI 48855  
PHONE (800) 656-4420 FAX (800) 646-7429

FIRST ISSUED \_\_\_\_\_  
DRAWN BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_  
APPROVED BY \_\_\_\_\_

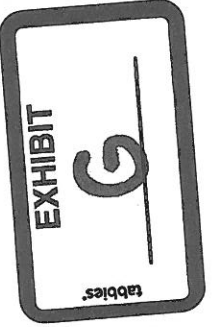
TITLE  
UAS-100 FLUSH BOTTOM  
WITH SPEAR  
COMMERCIAL

SIZE (DIM) NO.  
C UAS-100 FLUSH BOTTOM COMMERCIAL SPEAR Top 6x8

R-V

SCALE 1:1 SHEET 1 OF 1

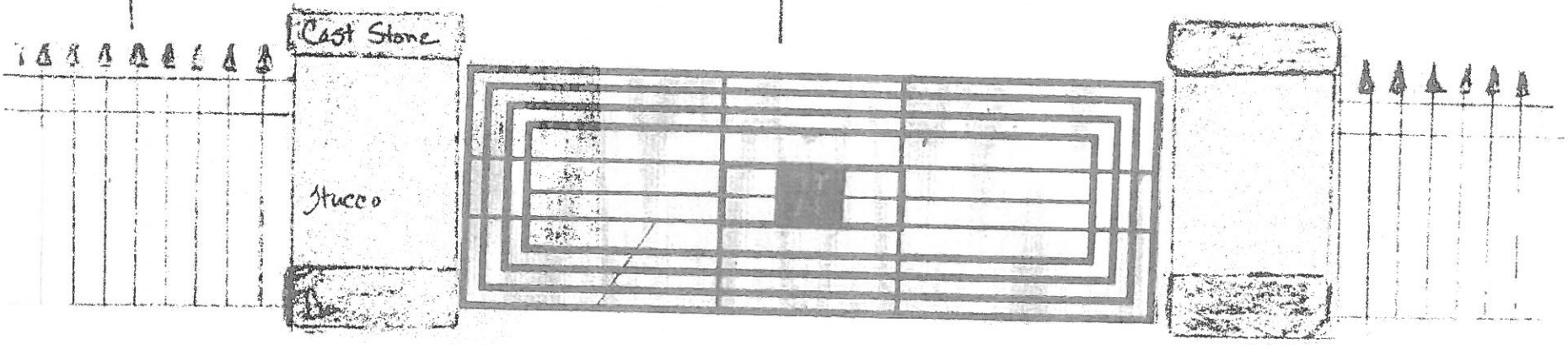
7



Columns  
• 7' tall  
• Stucco  
• Cast Stone

6' tall fence  
• Iron

6' tall gate  
• Iron





# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
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SUBDIVISION Best Estate

LOT BLOCK

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PROPOSED ZONING Fence variance PROPOSED USE Same

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OWNER James Best  APPLICANT Andrew D. Thomas

CONTACT PERSON Andrew D. Thomas CONTACT PERSON Andrew D. Thomas

ADDRESS ADDRESS 422 E I-30, Suite F

CITY, STATE & ZIP CITY, STATE & ZIP Royse City, Texas 75189

PHONE PHONE (469) 965-4500

E-MAIL E-MAIL andrew@law-adt.com

### NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Andrew Thomas [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

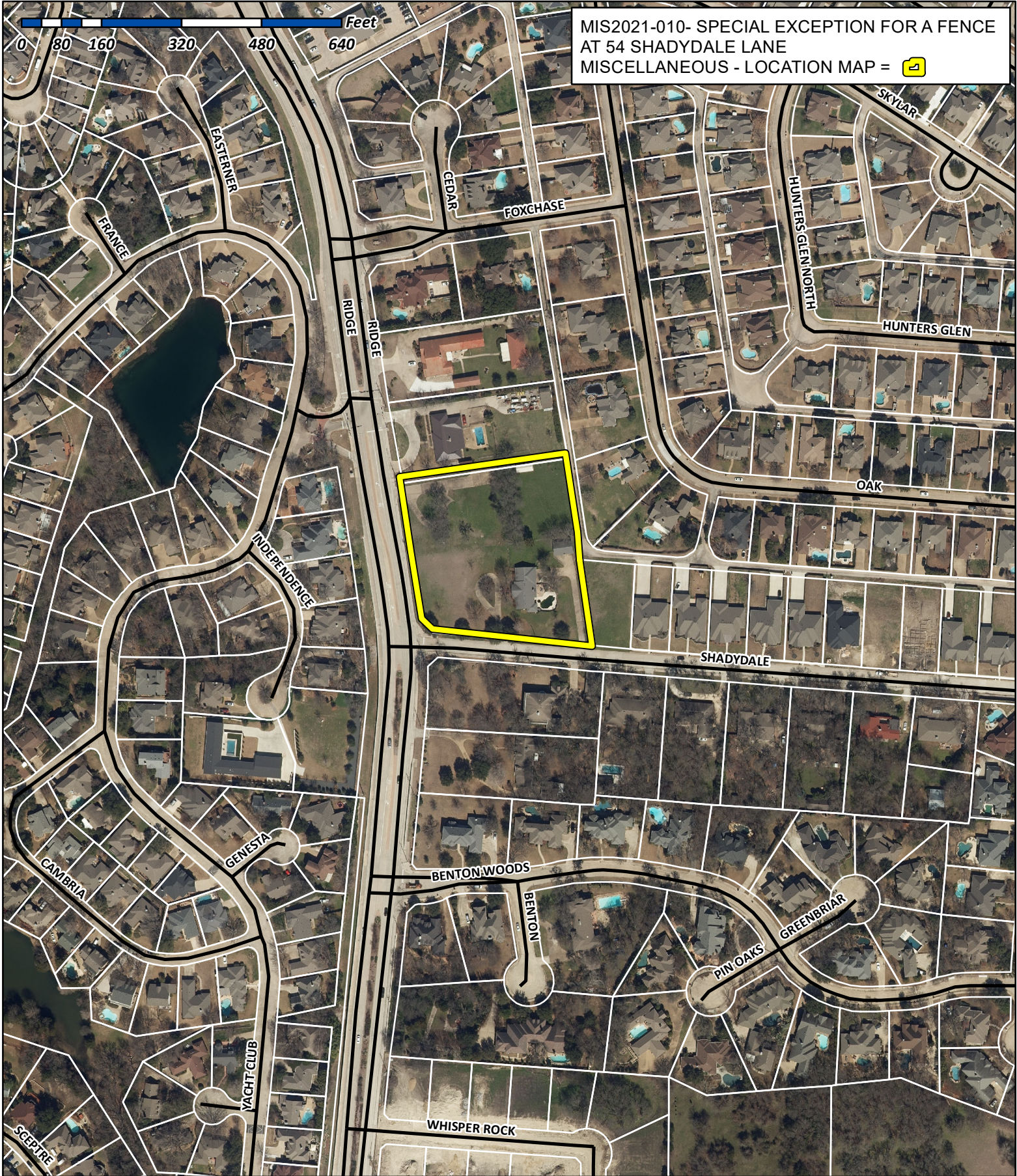
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 100.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 20 DAY OF August 20 21. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."


GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 18 DAY OF August, 20 21.

OWNER'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





MIS2021-010- SPECIAL EXCEPTION FOR A FENCE  
 AT 54 SHADYDALE LANE  
 MISCELLANEOUS - LOCATION MAP = 

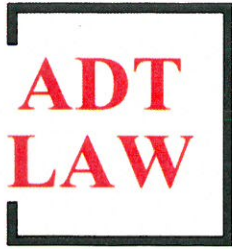


# City of Rockwall

Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75032  
 (P): (972) 771-7745  
 (W): [www.rockwall.com](http://www.rockwall.com)

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





ANDREW D. THOMAS  
F. DUNCAN THOMAS

LAW OFFICE OF ANDREW D. THOMAS  
422 E I-30, SUITE F  
ROYSE CITY, TEXAS 75189

T: (469) 965-4500  
F: (469) 965-4550  
ANDREW@LAW-ADT.COM

**TO:** City of Rockwall Planning & Zoning Department  
**FROM:** James Best c/o Andrew D. Thomas  
**RE:** Variance Request: Fencing at 54 Shady Dale, Rockwall, Texas 75087  
**DATE:** August 18, 2021

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---

### Variance Request

The homeowners, James and Kimberly Best, request the Planning & Zoning Commission (**P&Z Board**) grant a variance to City of Rockwall Unified Development Code § 08.08.03(D) allowing the homeowners to:

- Continue an 8-foot cedar fence<sup>1</sup> approximately 90 feet past the front building façade on the north side of the property;
- Construct a 6-foot aluminum wrought iron styled fence from the end of the 8-foot cedar fence to the front set-back line of the property, across the front of the property to the Shady Dale set back line, down Shady Dale to a column on the west side of the driveway;
- Construct two 7-foot cast stone and stucco columns on either side of the driveway with a 6-foot-tall automatic steel gate between the columns;
- Construct a 6-foot aluminum wrought iron styled fence from the east driveway column to the front building façade; and
- Construct an 8-foot cedar fence from the front building façade along Shady Dale to the existing 8-foot cast-concrete fence.

A plat of the property identifying the requested variances is attached as **Exhibit A** and the requests are discussed in more detail below.

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<sup>1</sup> On April 22, 2021, the City of Rockwall issued permit RES2021-1285 approving the construction of an 8-foot cedar fence from the Northeast corner of the property to the front corner of the house. See Exhibit B.

### **Brief Statement**

The homeowners are senior citizens that travel 12-15 weeks a year. Due to their age and travel schedule, they desire a fully fenced and gated property to protect them and their property when they are away, and to secure the swimming pool being constructed on the property.

The property is a 2.6-acre tract located at the intersection of Ridge Road and Shady Dale Lane. The property is zoned single family 16 and subject to the General Residential District Standards and Residential District Development Standards. See §§ 05.03.06, 05.03.01, and 05.07.01. The property setbacks are: (1) 25-feet along Ridge and Shady Dale Roads, (2) 10-feet in the rear, and (3) 8-feet to the north. See § 05.07.01.

### **Building Code Requirements**

The applicable fencing requirements are:

**.08.08.03(D)(1)(a)** – Side Yard Fences. Side yard fences shall not extend beyond the front façade of a single-family structure. In cases where a structure has a front porch or other encroachment, the fence shall not extend beyond where the front porch or encroachment meets the front façade of the single-family structure (as depicted in Figure 18).

**.08.08.03(D)(1)(d)** – Corner Lots. Corner lots shall be permitted to construct a fence along the side yard property line adjacent to a street (as depicted in Figure 14); however, in cases where a house is facing in the same direction as the side yard of a corner lot, the side yard fence adjacent to the street shall not extend beyond the front yard building setback (as depicted in Figure 16).

**.08.08.03(D)(2)** – Fences in the Front Yard. No fence shall be constructed in the front yard of a residential property without being granted an exception from the Planning and Zoning Commission unless specifically permitted by Subsection 08.03(D)(3). For the purposes of this provision the front yard is defined as the area between the front façade of the primary structure and the front property line (as depicted in Figure 14). The Planning and Zoning Commission may authorize the issuance of an exception for the construction of a front yard fence subject to the following provisions:

- (a) Wood Fences. Wood fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 42-inches in height.
- (b) Wrought Iron or Decorative Metal Fences. Wrought iron or decorative metal fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 48-inches in height.

- (c) Opaque Fences. Opaque fences are prohibited in the front yard of residential properties.

In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

### Discussion

#### 1. 8-foot cedar fence – north side.

The homeowners have been approved for an 8-foot cedar fence from the northeast corner to the front building façade of the home being constructed. *See Exhibit B*. The property to the north has a chain link fence running from its southwestern corner west to a point perpendicular to its front building façade. Because the neighboring property is constructed closer to Ridge Road, the chain link fence continues for approximately 90 feet in front of the subject property's front building façade and the neighbor's utility shed sits adjacent to the chain link fence and in front of the front building façade of the subject property. *See Exhibit C*.







The homeowners want to extend the 8-foot cedar fence from their front building façade approximately ninety feet to the end of the chain link fence. Pictures demonstrating the style of the proposed 8-foot cedar fence are attached as **Exhibit D**. Extending the cedar fence along the chain link fence will not impede the visibility of drivers along Ridge Road or neighboring property owners because the neighboring property is already heavily landscaped with trees and hedges along the fence line preventing visibility through chain link fence. Extending the fence will only affect the subject property and the neighboring property to the north providing additional privacy to both homeowners.

## **2. 6-foot aluminum wrought iron styled-fence.**

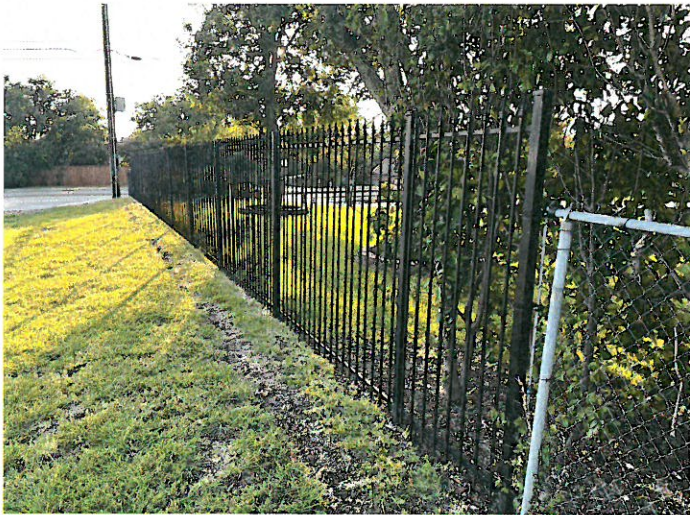
The homeowners want to construct a 6-foot aluminum wrought iron styled fence from the end of the proposed 8-foot cedar fence to the front set back line, across the property to the Shady Dale set back line, and then to a point along Shady Dale perpendicular to the front building façade. *See Exhibit C*. Because of the homeowners' age and travel schedule, they desire a fully fenced and gated property for their protection and security. Having an entirely fenced and gated property would also provide additional security for the lap pool being constructed on the property. *See Rockwall Code of Ordinances § 10-425*.

A picture demonstrating the style of the proposed 6-foot aluminum wrought iron styled fence is attached as **Exhibit E** and a schematic identifying the dimensions of the proposed fence is attached as **Exhibit F**. The fence will be constructed using 6-foot spires and have a 2-inch gap underneath the bottom of the fence for drainage.

Construction of a 6-foot aluminum wrought iron styled fence on the front and side of the property is consistent with several fences on nearby properties along Ridge Road. The property directly to

the north has a 6-foot wrought iron fence separating it from the subject property and 4-foot fences that appear to be within the setback line.

**3187 S. Ridge Road**



Across the street, Chandler's Landing has a 6-foot wrought iron fence facing ridge road.

**Chandler's Landing**



Across the street and to the north of the subject property, several properties have solid, 8-foot wooden fences (at the back of the properties) that face Ridge Road.

**5303 Yacht Club Drive**



**2705 Cedar Court**



**2701 Cedar Court**



Due to the heavy traffic on Ridge Road and the speed to which it travels, front yard fences are very common in and around the subject property.

**3187 S. Ridge Road**



**1 Shadydale Lane**



**3201 Ridge Road**



**3. 7-foot cast stone and stucco columns with 6-foot steel automatic gate.**

The homeowners want to build two 7-foot stone and stucco columns on either side of the driveway to support and house a 6-foot steel automatic gate. A diagram of the proposed columns and gate is attached as **Exhibit G**. The columns would be constructed to match the architecture of the house. The automatic steel gate would provide safety and security to the homeowners.

The proposed columns are consistent in size and material to columns located on nearby properties. With regard to the steel gate, the neighboring property to the north has a wrought iron automatic gate, and across the street Chandler’s Landing has two 6-foot automatic gates.

**Benton Woods**



**Chandler’s Landing**

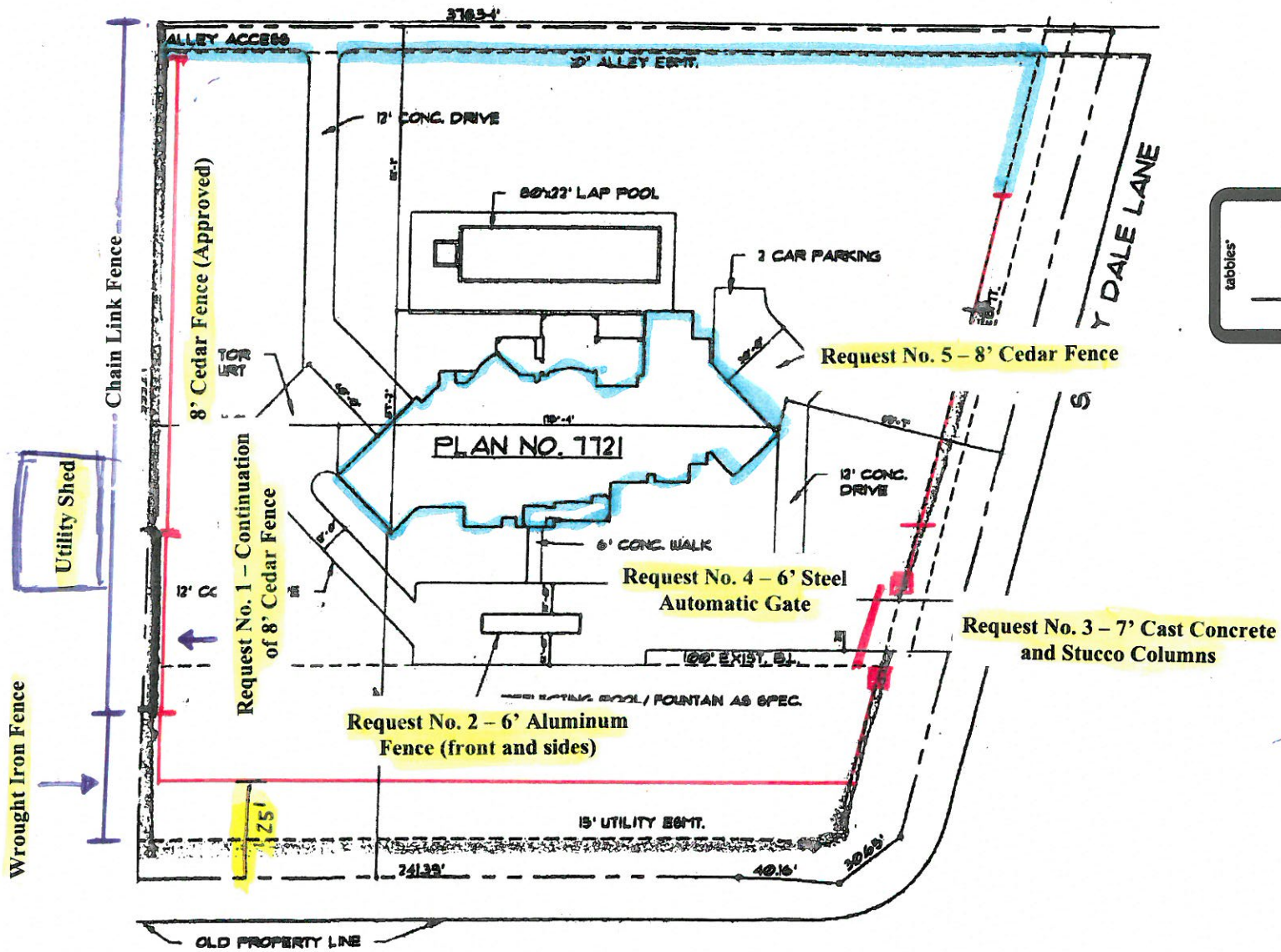


**3187 S. Ridge Road**



**4. 8-foot cedar fence along Shady Dale**

The homeowners intend to connect the end of the 6-foot aluminum wrought iron styled-fence along Shady Dale to the existing cast concrete fence with an 8-foot cedar fence identical in style to the 8-foot cedar fence along the northern side of the property.



tabbles®  
**EXHIBIT**  
**A**



City of Rockwall  
The New Horizon

# CITY OF ROCKWALL BUILDING PERMIT

BUILDING INSPECTIONS DEPT.  
385 S. GOLIAD  
ROCKWALL, TX 75087  
Phone (972) 771-7709

Schedule Inspections: -  
<http://www.rockwall.com/buildinginspections/inspectionReq.asp>

PERMIT RES2021-1285

CONSTRUCTION ADDRESS 54 SHADYDALE LN, ROCKWALL, 75032		TYPE/SUBTYPE Residential Building Permit / Fence Permit	
SUBDIVISION BEST ESTATE ADDITION, BLOCK A, LOT 1, ACRES 2.6			ZONING SF-16
BUILDING OWNER James Best	MAIL ADDRESS 54 Shady Dale Lane	CITY, STATE, ZIP Rockwall, TX, 75032	PHONE
GENERAL CONTRACTOR B&L IRON INC	MAIL ADDRESS PO BOX 628	CITY, STATE, ZIP Caddo Mills, TX, 75135	PHONE 903-527-5577
ELECTRICAL CONTRACTOR	MAIL ADDRESS	CITY, STATE, ZIP	PHONE
PLUMBING CONTRACTOR	MAIL ADDRESS		PHONE
MECHANICAL CONTRACTOR	MAIL ADDRESS		PHONE



BUILDING INFORMATION						
SFR/MFR:	Proposed SF:	Valuation of Work	Garage SF:	Structure Height:	Lot Size :	Plan Number:

PERMIT DESCRIPTION: Install a 8 ft. tall fence made of cedar boards and iron frame and posts as pictured.

**CITY REMARKS/DESC:**

NEW FENCE SHALL STOP AT THE FRONT CORNER OF THE HOUSE INDICATED BY THE RED LINE, NOT ENCROACH THE FRONTYARD. FENCE/POSTS SHALL NOT EXCEED 8 FEET IN HEIGHT MEASURED FROM THE GROUND TO THE TOP OF THE FENCE/POST AT ANY LOCATION

**NOTICE TO APPLICANT:** THIS PERMIT IS ISSUED ON THE BASIS OF INFORMATION FURNISHED IN THIS APPLICATION AND ON ANY SUBMITTED PLANS. AND IS SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF THE CITY OF ROCKWALL CODE OF ORDINANCES AND ANY OTHER APPLICABLE ORDINANCE. THIS PERMIT IS ISSUED ONLY FOR THE PURPOSE OF ALLOWING CONSTRUCTION OF A BUILDING OR STRUCTURE CONFORMING TO THE CODES AND ORDINANCES OF THE CITY, REGARDLESS OF INFORMATION AND/OR PLANS SUBMITTED.

**SCOPE OF PERMIT:** FOR NEW BUILDINGS AND FOR ADDITIONS TO EXISTING BUILDINGS, THIS PERMIT AUTHORIZES ALL STRUCTURAL, PLUMBING, ELECTRICAL, MECHANICAL, WORK TO BE PERFORMED IN THE CONSTRUCTION OF THE BUILDING OR STRUCTURE AT THIS ADDRESS, IF DONE AT THE SAME TIME OF INITIAL CONSTRUCTION. NO SEPARATE SUBCONTRACTOR PERMITS ARE NEEDED FOR THOSE TRADES. HOWEVER, THE PERMIT HOLDER IS REQUIRED TO USE ONLY SUBCONTRACTORS LICENSES, REGISTERED, OR BONDED BY THE CITY OF ROCKWALL WHERE SUCH REQUIREMENT IS APPLICABLE.

I HEREBY ACCEPT ALL CONDITIONS HEREIN ABOVE MENTIONED AND CERTIFY THAT ALL STATEMENTS HEREIN RECORDED BY ME ARE TRUE.

AGENT OR APPLICANT

(DATE)

*[Signature]*

CITY APPROVAL

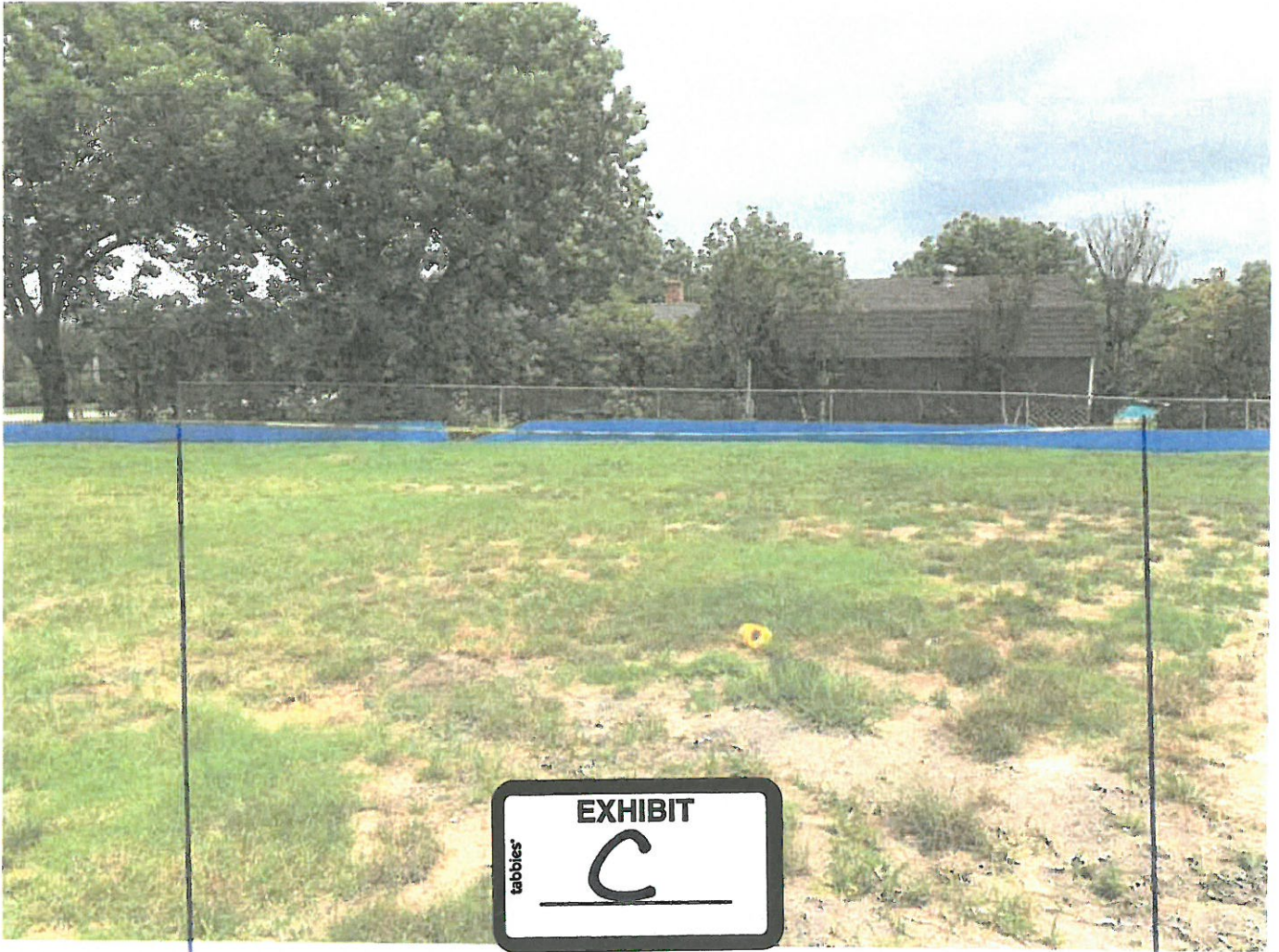
04/22/2021

(DATE)

ESTIMATED VALUE (MFR ONLY):		
Credit Card Processing Fee	01-4015	\$1.00
Fence Permit Fee	01-4302	\$50.00
<b>TOTAL FEES</b>		<b>\$51.00</b>



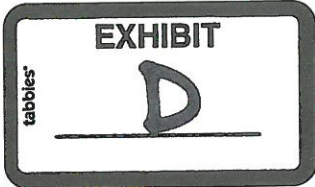
fence



Proposed new cedar fence to  
cover chain link fence  
on neighboring property

Front of my house - Build line  
Present permit stops fence here

fence







Colors

Options

Accessories

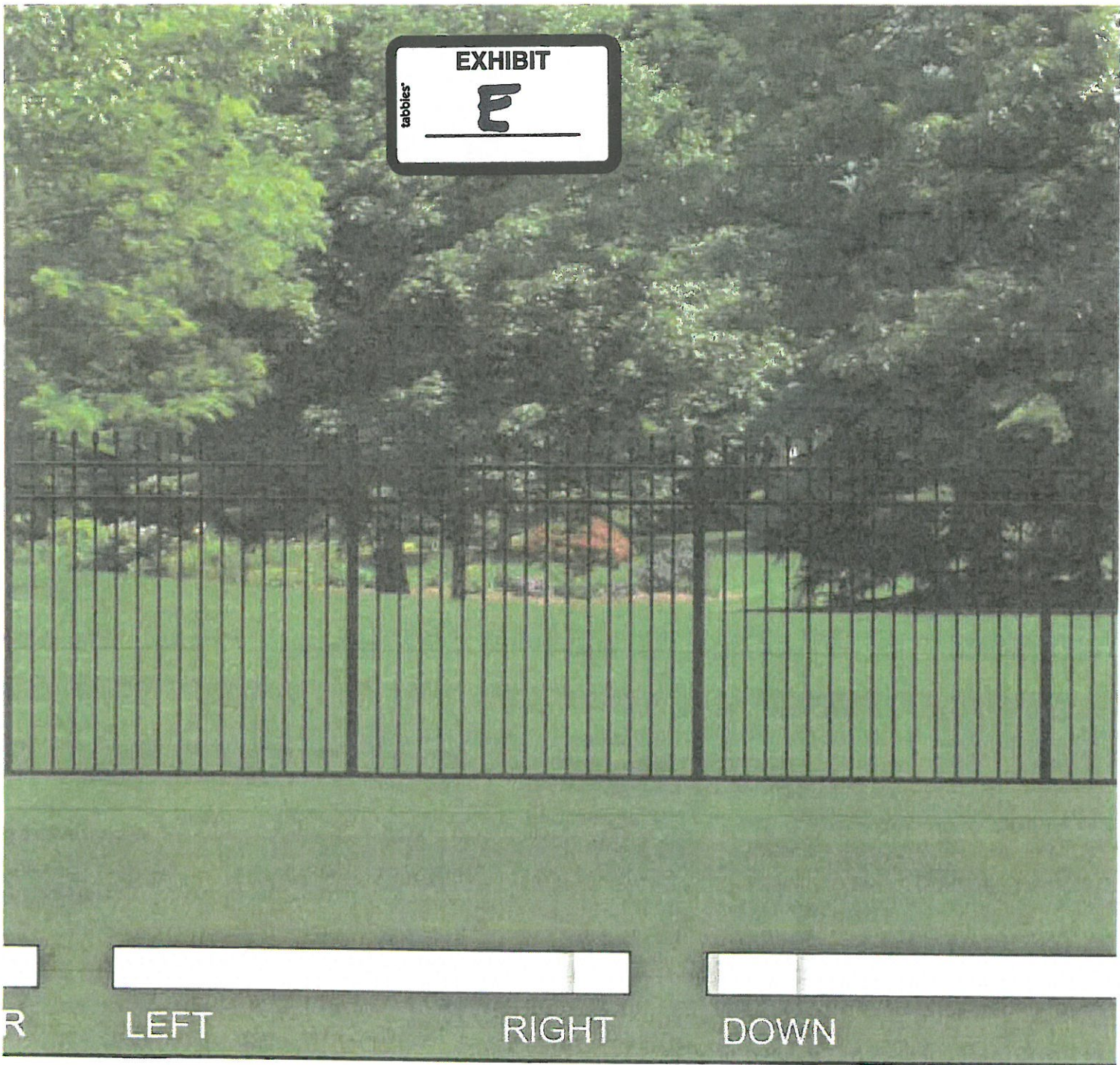


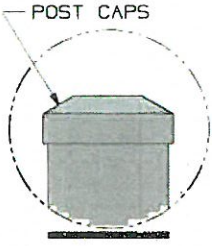
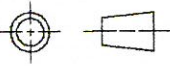
EXHIBIT  
tabbies  
E

R

LEFT

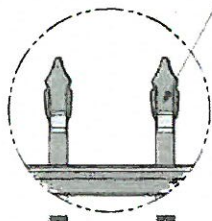
RIGHT

DOWN



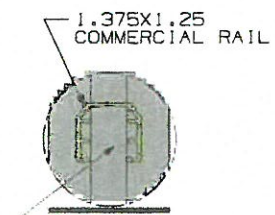
POST CAPS

DETAIL B  
SCALE 1:2



COMERCIAL  
SPEAR TOP

DETAIL A  
SCALE 1:4



1.375X1.25  
COMMERCIAL RAIL

3/4" X 3/4" X .055 WALL  
COMMERCIAL PICKET

DETAIL C  
SCALE 1:2

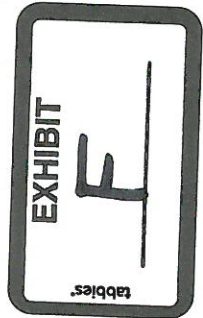


EXHIBIT  
F



SECTION D-D

72.000  
OVERALL  
HEIGHT

60.25"  
(A)

6.000

2.000

D A

3 5/8" NOMINAL

4.500  
6.000

OPTIONAL 4TH RAIL

FINISHED GRADE

D

73.000  
CENTER TO CENTER  
AS SHOWN WITH  
2 1/2" X 2 1/2" POST

POST OPTIONS —  
2" X 2" X .080" WALL  
2" X 2" X .125" WALL  
2 1/2" X 2 1/2" X .100" WALL  
3" X 3" X .125" WALL

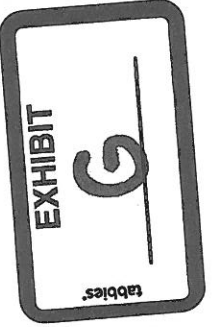
HEIGHT	A
3'	24 1/4"
3 1/2'	30 1/4"
4'	36 1/4"
4 1/2'	42 1/4"
5'	48 1/4"
6'	60 1/4"

3D CAD MASTER PART NAME:

ALL DIMENSIONS IN INCHES

		ULTRA ALUMINUM MANUFACTURING, INC. 2124 GRAND COMMERCE DR., HOWELL, MI 48855 PHONE (800) 656-4420 FAX (800) 646-7429	
FIRST ISSUED		TITLE	UAS-100 FLUSH BOTTOM WITH SPEAR COMMERCIAL
DRAWN BY		SIZE (DIM) NO.	UAS-100 FLUSH BOTTOM COMMERCIAL SPEAR Top 6x8
CHECKED BY		SCALE 1:1	R-V <input checked="" type="checkbox"/>
APPROVED BY		SHEET 1 OF 1	

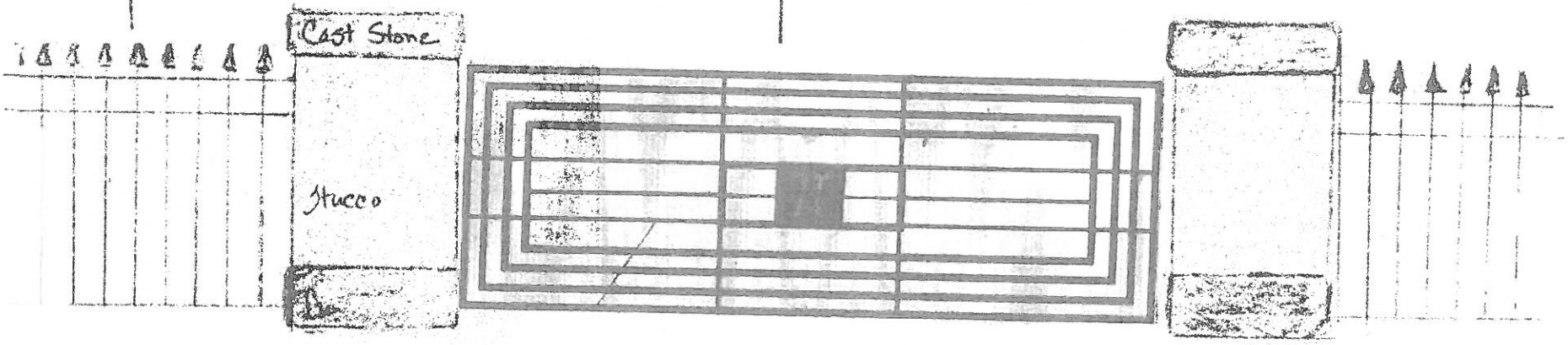
7



6' tall fence  
• Iron

Columns  
• 7' tall  
• Stucco  
• Cast Stone

6' tall gate  
• Iron





# CITY OF ROCKWALL

## PLANNING AND ZONING COMMISSION CASE MEMO

### PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

---

**TO:** Planning and Zoning Commission  
**DATE:** August 31, 2021  
**APPLICANT:** Andrew Thomas  
**CASE NUMBER:** MIS2021-010; *Special Exception for a Front Yard Fence at 54 Shadydale Lane*

---

### **SUMMARY**

Discuss and consider a request by James Best for the approval of an Exception to allow the construction of a front yard fence for a single-family home on a 2.60-acre parcel of land identified as Lot 1, Block A, Best Estate Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 16 (SF-16) District, addressed as 54 Shadydale Lane, and take any action necessary.

### **BACKGROUND**

The subject property was platted on July 30, 1968 as Lots 1 & 2, Block B, Highland Acres Addition. In 1980, a 2,475 SF single-family home was constructed on Lot 1, Block B, Highland Acres Addition, which was addressed as 10 Shadydale Lane. On January 9, 1984, the City Council annexed a portion of the subject property (*i.e. Lot 1, Block B, Highland Acres Addition*) by approving *Ordinance No. 84-05 [Case No. A1984-001]*. At the time of annexation, this portion of the subject property was zoned Agricultural (AG) District. In 1986, a 4,068 SF single-family home was constructed on Lot 2, Block B, Highland Acres Addition, which was addressed as 3189 S. Ridge Road. On January 3, 1989, this portion of the subject property was annexed by the City Council through the adoption of *Ordinance No. 88-67*. At the time of annexation, this portion of the subject property was zoned Agricultural (AG) District. On May 15, 1989, the subject property -- *along with the remaining properties in the Highland Acres Addition* -- were rezoned from an Agricultural (AG) District to a Single-Family 16 (SF-16) District by *Ordinance No. 89-13 [Case No. PZ1989-001]*. The single-family home on Lot 2, Block B, Highland Acres Addition was demolished on April 30, 2007 by *Permit No. DEM2007-0016*. The subject property was replatted from Lots 1 & 2, Block B, Highland Acres Addition to Lot 1, Block A, Best Estates Addition by *Case No. P2018-032*. Following this plat, a permit [*i.e. BLD2019-2107*] to demolish the existing single-family home (*i.e. the home on the previous Lot 1, Block B, Highland Acres Addition*) was issued on August 8, 2019. On August 3, 2020, the City Council approved a Specific Use Permit (SUP) [*Case No. Z2020-023; S228*] to construct a single-family home on the subject property. After approval of the Specific Use Permit (SUP) the applicant received approval for three (3) separate Special Exceptions [*Case No. MIS2020-013, Case No. MIS2021-003, and Case No. MIS2021-006*] allowing a pre-cast concrete screening wall that exceed the maximum permissible height.

### **PURPOSE**

The applicant is requesting approval of an exception to allow for a front yard fence as stipulated by Subsection 08.03(D)(b), of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).

### **ADJACENT LAND USES AND ACCESS**

The subject property is located at 54 Shadydale Lane. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are two (2) parcels of land (*i.e. Lots 3 & 4, Block B, Highland Addition*) with two (2) single-family homes situated on them. These properties are zoned Single-Family 16 (SF-16) District. Beyond this is Phase 1 of the Fox Chase Subdivision, which was platted on January 16, 1989 and consists of 32 single-family homes. This subdivision is zoned Planned Development District 9 (PD-9) for Single-Family 10 (SF10) District land uses.

South: Directly south of the subject property is Shady Dale Lane, which is identified R2 (*i.e. residential, two [2] lane, undivided roadway*) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are two (2) tracts of land (*i.e. Tracts 35 & 54 of the E. Teal Survey, Abstract No. 207*) with two (2) single-family homes situated on them. These properties are zoned Single-Family 16 (SF-16) District. South of these properties is the Benton Woods Subdivision, which was platted on January 13, 1993 and consists of 34 single-family homes. This subdivision is zoned Planned Development District 40 (PD-40) for Single-Family 10 (SF-10) District land uses.

East: Directly east of the subject property is the Shadydale Estates Subdivision, which was platted on March 5, 2014 and consists of 14 single-family homes. This subdivision is zoned Planned Development District 9 (PD-9) for Single-Family 12.5 (SF-12.5) District land uses. Beyond this is Phase 4 of the Fox Chase Subdivision, which was platted on February 22, 1995 and consists of 40 single-family homes. This subdivision is zoned Planned Development District 9 (PD-9) for Single-Family 10 (SF-10) District land uses.

West: Directly west of the subject property is Ridge Road [FM-740], which is identified as M4D (*i.e. minor collector, four [4] lane, divided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this thoroughfare is Phase 19 of the Chandler's Landing Subdivision, which was platted on June 27, 1985 and consists of 77 single-family residential lots. This property is zoned Planned Development District 8 (PD-8) for single-family residential land uses.

### **CHARACTERISTICS OF THE REQUEST:**

The applicant is proposing to construct an eight (8) foot cedar front yard fence, a six (6) foot wrought iron front yard fence, a six (6) foot steel gate, and two (2) seven (7) foot masonry columns for the gate. The subject property is a keystone or corner lot and has front yards along Ridge Road [FM-740] and Shady Dale Lane. According to Subsection 08.03(D)(2) of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) states that front yard fences should be "(w)rought iron or decorative metal fences that are 50% transparent shall not exceed 48-inches in height". Additionally, Subsection 08.03(D)(2) states that, "(o)paque fences are prohibited in the front yard of residential properties." Based on this, the applicant's proposal will require five (5) variances to the fence requirements set forth by the Unified Development Code (UDC), which are as follows:

- (1) An eight (8) foot opaque cedar fence along the north property line from the existing cedar fence approximately 90-feet, due west, into the front yard.
- (2) A six (6) foot wrought iron front yard fence that connects to the proposed cedar fence on the north property line, follows the build line along Ridge Road, and terminates at the proposed steel gate on Shadydale Lane.
- (3) A six (6) foot steel gate in the front yard along the southern build line.
- (4) Two (2), seven (7) foot cast stone and stucco columns connecting the gate to the wrought iron front yard fence on the southern build line.
- (5) An eight (8) foot opaque cedar front yard fence on the southern build line connecting the proposed wrought iron front yard fence to the existing cast-concrete fence.

According to Subsection 08.03(D)(3) outlines exemptions for certain properties that do not need to request a special exception for a front yard fence. These exemptions include properties in a *Single-Family Estate* zoning district and model homes, neither of which apply to the subject property. Additionally, Subsection 08.03(D)(2), "(n)o fence shall be constructed in the front yard of a residential property without being granted an *exception* from the Planning and Zoning Commission unless specifically permitted by Subsection 08.03(D)(3)." All considered, the applicant is requesting five (5) special exceptions to construct a front yard fence, which does not meet the requirements set forth by the Unified Development Code (UDC). Based on this, this request is a discretionary decision for the Planning and Zoning Commission.

### **CONDITIONS OF APPROVAL**

If the Planning and Zoning Commission chooses to approve the applicant's request for an exception to allow for a front yard fence, then staff would propose the following conditions of approval:

- (1) The applicant will be required to obtain a fence permit from the Building Inspections Department, and;



- (2) The cedar fence on the north property line shall be limited to a maximum of eight (8) feet in the front yard, and;
- (3) The wrought iron fence shall be limited to a maximum of six (6) feet, and;
- (4) The automatic gate on the southern property line shall be limited to a maximum of six (6) feet, and;
- (5) The cedar fence on the southern property line shall be limited to a maximum of eight (8) feet, and;
- (6) Any construction resulting from the approval of this request shall 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.



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

### STAFF USE ONLY

PLANNING & ZONING CASE NO. M152021-010

**NOTE:** THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

#### PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) <sup>1</sup>
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- FINAL PLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- REPLAT (\$300.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

#### SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) <sup>1</sup>
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

#### ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) <sup>1</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

#### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST (\$100.00)

#### NOTES:

<sup>1</sup>: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 54 Shady Dale, Rockwall, Texas 75032

SUBDIVISION Best Estate

LOT BLOCK

GENERAL LOCATION 2.6 acres located at the corner of Shady Dale and Ridge Road

### ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING James Best

CURRENT USE Same

PROPOSED ZONING Fence variance

PROPOSED USE Same

ACREAGE 2.6 acres

LOTS [CURRENT] 1

LOTS [PROPOSED] 1

**SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

### OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER James Best  APPLICANT Andrew D. Thomas

CONTACT PERSON Andrew D. Thomas CONTACT PERSON Andrew D. Thomas

ADDRESS ADDRESS 422 E I-30, Suite F

CITY, STATE & ZIP CITY, STATE & ZIP Royse City, Texas 75189

PHONE PHONE (469) 965-4500

E-MAIL E-MAIL andrew@law-adt.com

### NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Andrew Thomas [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

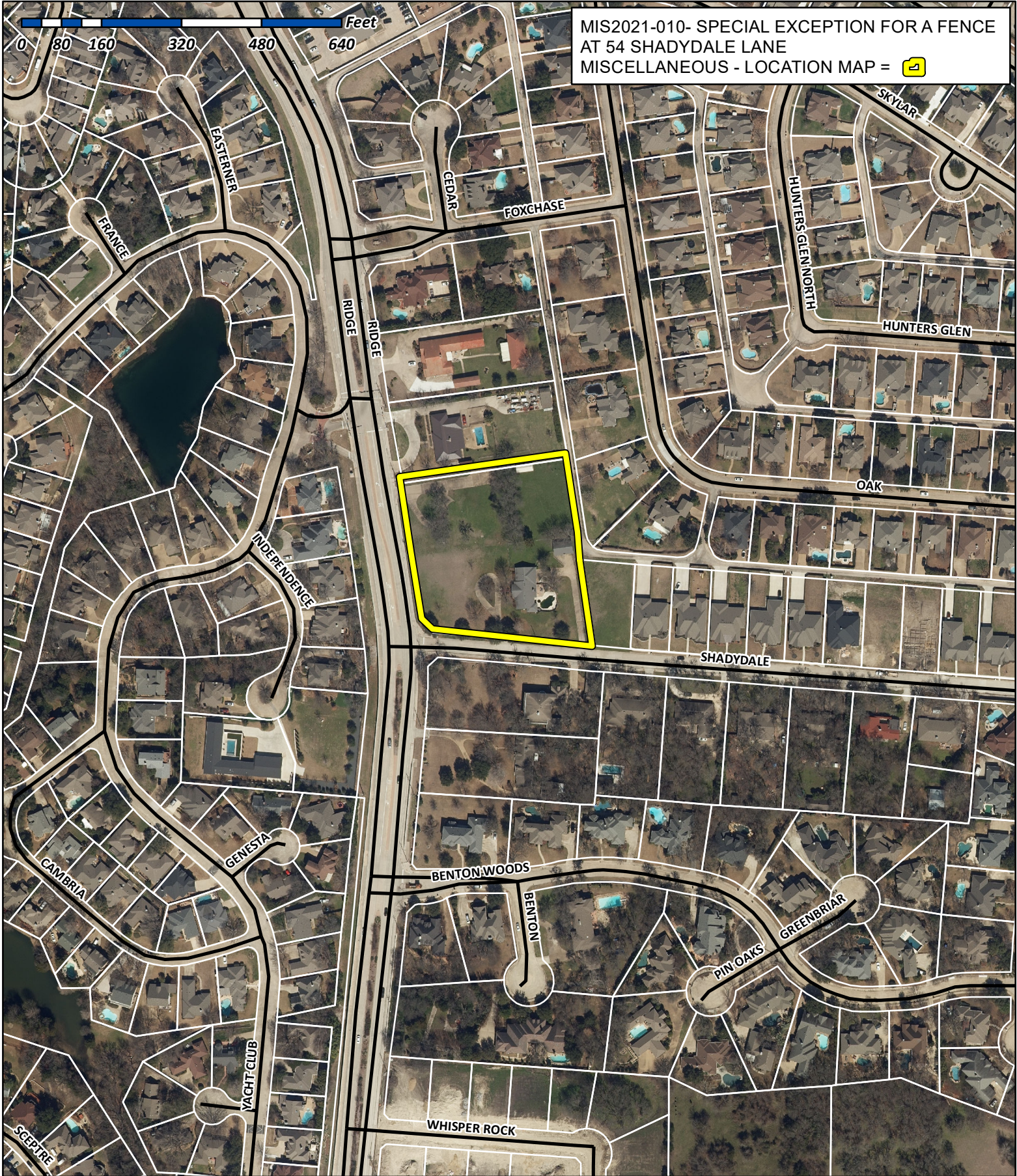
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 100.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 20 DAY OF 21 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."


GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 18 DAY OF August, 20 21.

OWNER'S SIGNATURE [Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS [Signature]





MIS2021-010- SPECIAL EXCEPTION FOR A FENCE  
 AT 54 SHADYDALE LANE  
 MISCELLANEOUS - LOCATION MAP = 

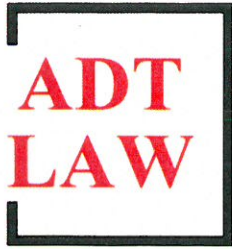


# City of Rockwall

Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75032  
 (P): (972) 771-7745  
 (W): [www.rockwall.com](http://www.rockwall.com)

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.





ANDREW D. THOMAS  
F. DUNCAN THOMAS

LAW OFFICE OF ANDREW D. THOMAS  
422 E I-30, SUITE F  
ROYSE CITY, TEXAS 75189

T: (469) 965-4500  
F: (469) 965-4550  
ANDREW@LAW-ADT.COM

**TO:** City of Rockwall Planning & Zoning Department  
**FROM:** James Best c/o Andrew D. Thomas  
**RE:** Variance Request: Fencing at 54 Shady Dale, Rockwall, Texas 75087  
**DATE:** August 18, 2021

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### Variance Request

The homeowners, James and Kimberly Best, request the Planning & Zoning Commission (**P&Z Board**) grant a variance to City of Rockwall Unified Development Code § 08.08.03(D) allowing the homeowners to:

- Continue an 8-foot cedar fence<sup>1</sup> approximately 90 feet past the front building façade on the north side of the property;
- Construct a 6-foot aluminum wrought iron styled fence from the end of the 8-foot cedar fence to the front set-back line of the property, across the front of the property to the Shady Dale set back line, down Shady Dale to a column on the west side of the driveway;
- Construct two 7-foot cast stone and stucco columns on either side of the driveway with a 6-foot-tall automatic steel gate between the columns;
- Construct a 6-foot aluminum wrought iron styled fence from the east driveway column to the front building façade; and
- Construct an 8-foot cedar fence from the front building façade along Shady Dale to the existing 8-foot cast-concrete fence.

A plat of the property identifying the requested variances is attached as **Exhibit A** and the requests are discussed in more detail below.

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<sup>1</sup> On April 22, 2021, the City of Rockwall issued permit RES2021-1285 approving the construction of an 8-foot cedar fence from the Northeast corner of the property to the front corner of the house. *See* Exhibit B.

### **Brief Statement**

The homeowners are senior citizens that travel 12-15 weeks a year. Due to their age and travel schedule, they desire a fully fenced and gated property to protect them and their property when they are away, and to secure the swimming pool being constructed on the property.

The property is a 2.6-acre tract located at the intersection of Ridge Road and Shady Dale Lane. The property is zoned single family 16 and subject to the General Residential District Standards and Residential District Development Standards. See §§ 05.03.06, 05.03.01, and 05.07.01. The property setbacks are: (1) 25-feet along Ridge and Shady Dale Roads, (2) 10-feet in the rear, and (3) 8-feet to the north. See § 05.07.01.

### **Building Code Requirements**

The applicable fencing requirements are:

**.08.08.03(D)(1)(a)** – Side Yard Fences. Side yard fences shall not extend beyond the front façade of a single-family structure. In cases where a structure has a front porch or other encroachment, the fence shall not extend beyond where the front porch or encroachment meets the front façade of the single-family structure (as depicted in Figure 18).

**.08.08.03(D)(1)(d)** – Corner Lots. Corner lots shall be permitted to construct a fence along the side yard property line adjacent to a street (as depicted in Figure 14); however, in cases where a house is facing in the same direction as the side yard of a corner lot, the side yard fence adjacent to the street shall not extend beyond the front yard building setback (as depicted in Figure 16).

**.08.08.03(D)(2)** – Fences in the Front Yard. No fence shall be constructed in the front yard of a residential property without being granted an exception from the Planning and Zoning Commission unless specifically permitted by Subsection 08.03(D)(3). For the purposes of this provision the front yard is defined as the area between the front façade of the primary structure and the front property line (as depicted in Figure 14). The Planning and Zoning Commission may authorize the issuance of an exception for the construction of a front yard fence subject to the following provisions:

- (a) Wood Fences. Wood fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 42-inches in height.
- (b) Wrought Iron or Decorative Metal Fences. Wrought iron or decorative metal fences that are 50% transparent (e.g. as depicted in Figure 14) shall not exceed 48-inches in height.

- (c) Opaque Fences. Opaque fences are prohibited in the front yard of residential properties.

In considering a front yard fence, the Planning and Zoning Commission may require applicants to provide additional information, plans, drawings, and/or other information concerning the proposed front yard fence. In addition, the Planning and Zoning Commission may establish additional conditions of construction for any fence.

### Discussion

#### 1. 8-foot cedar fence – north side.

The homeowners have been approved for an 8-foot cedar fence from the northeast corner to the front building façade of the home being constructed. *See Exhibit B*. The property to the north has a chain link fence running from its southwestern corner west to a point perpendicular to its front building façade. Because the neighboring property is constructed closer to Ridge Road, the chain link fence continues for approximately 90 feet in front of the subject property's front building façade and the neighbor's utility shed sits adjacent to the chain link fence and in front of the front building façade of the subject property. *See Exhibit C*.





The homeowners want to extend the 8-foot cedar fence from their front building façade approximately ninety feet to the end of the chain link fence. Pictures demonstrating the style of the proposed 8-foot cedar fence are attached as **Exhibit D**. Extending the cedar fence along the chain link fence will not impede the visibility of drivers along Ridge Road or neighboring property owners because the neighboring property is already heavily landscaped with trees and hedges along the fence line preventing visibility through chain link fence. Extending the fence will only affect the subject property and the neighboring property to the north providing additional privacy to both homeowners.

## **2. 6-foot aluminum wrought iron styled-fence.**

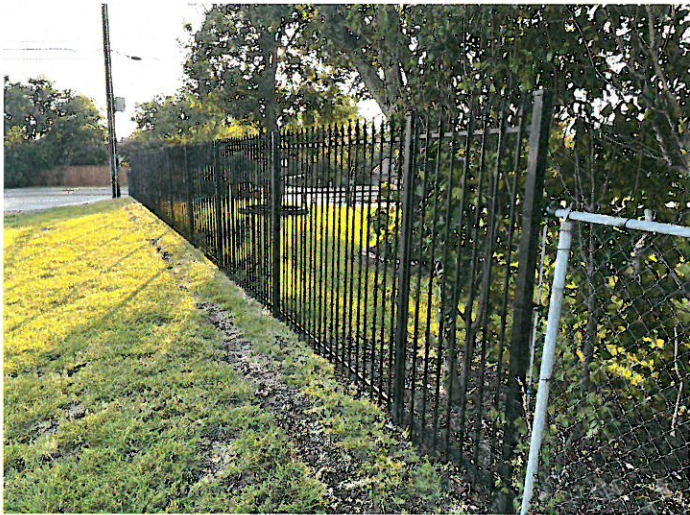
The homeowners want to construct a 6-foot aluminum wrought iron styled fence from the end of the proposed 8-foot cedar fence to the front set back line, across the property to the Shady Dale set back line, and then to a point along Shady Dale perpendicular to the front building façade. *See Exhibit C*. Because of the homeowners' age and travel schedule, they desire a fully fenced and gated property for their protection and security. Having an entirely fenced and gated property would also provide additional security for the lap pool being constructed on the property. *See Rockwall Code of Ordinances § 10-425*.

A picture demonstrating the style of the proposed 6-foot aluminum wrought iron styled fence is attached as **Exhibit E** and a schematic identifying the dimensions of the proposed fence is attached as **Exhibit F**. The fence will be constructed using 6-foot spires and have a 2-inch gap underneath the bottom of the fence for drainage.

Construction of a 6-foot aluminum wrought iron styled fence on the front and side of the property is consistent with several fences on nearby properties along Ridge Road. The property directly to

the north has a 6-foot wrought iron fence separating it from the subject property and 4-foot fences that appear to be within the setback line.

**3187 S. Ridge Road**



Across the street, Chandler’s Landing has a 6-foot wrought iron fence facing ridge road.

**Chandler’s Landing**





Across the street and to the north of the subject property, several properties have solid, 8-foot wooden fences (at the back of the properties) that face Ridge Road.

**5303 Yacht Club Drive**



**2705 Cedar Court**



**2701 Cedar Court**



Due to the heavy traffic on Ridge Road and the speed to which it travels, front yard fences are very common in and around the subject property.

**3187 S. Ridge Road**



**1 Shadydale Lane**



**3201 Ridge Road**



**3. 7-foot cast stone and stucco columns with 6-foot steel automatic gate.**

The homeowners want to build two 7-foot stone and stucco columns on either side of the driveway to support and house a 6-foot steel automatic gate. A diagram of the proposed columns and gate is attached as **Exhibit G**. The columns would be constructed to match the architecture of the house. The automatic steel gate would provide safety and security to the homeowners.

The proposed columns are consistent in size and material to columns located on nearby properties. With regard to the steel gate, the neighboring property to the north has a wrought iron automatic gate, and across the street Chandler’s Landing has two 6-foot automatic gates.

**Benton Woods**



**Chandler’s Landing**



**3187 S. Ridge Road**



**4. 8-foot cedar fence along Shady Dale**

The homeowners intend to connect the end of the 6-foot aluminum wrought iron styled-fence along Shady Dale to the existing cast concrete fence with an 8-foot cedar fence identical in style to the 8-foot cedar fence along the northern side of the property.

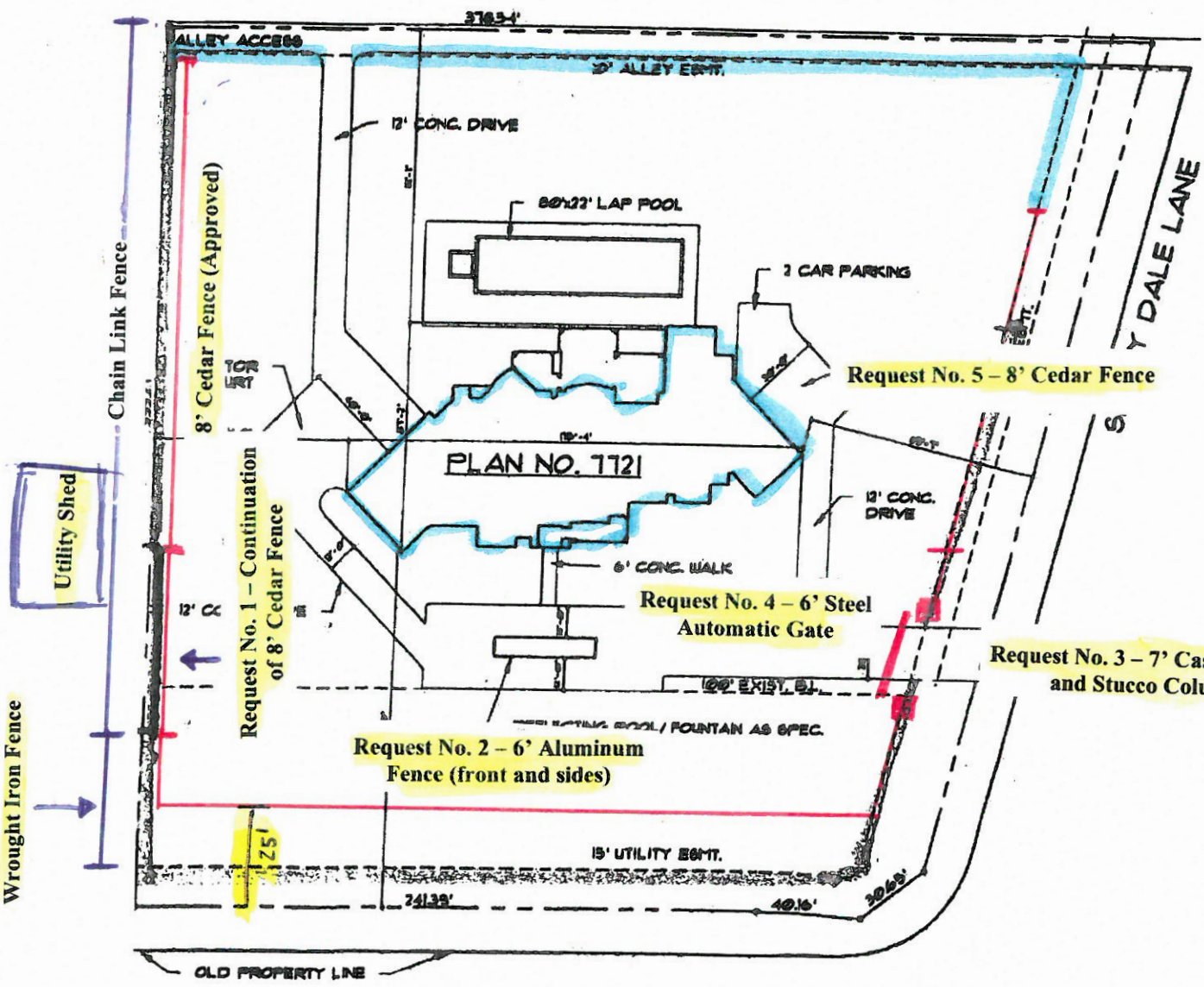


EXHIBIT  
 A



City of Rockwall  
The New Horizon

# CITY OF ROCKWALL BUILDING PERMIT

BUILDING INSPECTIONS DEPT.  
385 S. GOLIAD  
ROCKWALL, TX 75087  
Phone (972) 771-7709

Schedule Inspections:  
<http://www.rockwall.com/buildinginspections/inspectionReq.asp>

PERMIT RES2021-1285

CONSTRUCTION ADDRESS 54 SHADYDALE LN, ROCKWALL, 75032			TYPE/SUBTYPE Residential Building Permit / Fence Permit	
SUBDIVISION BEST ESTATE ADDITION, BLOCK A, LOT 1, ACRES 2.6				ZONING SF-16
BUILDING OWNER James Best	MAIL ADDRESS 54 Shady Dale Lane	CITY, STATE, ZIP Rockwall, TX, 75032	PHONE	
GENERAL CONTRACTOR B&L IRON INC	MAIL ADDRESS PO BOX 628	CITY, STATE, ZIP Caddo Mills, TX, 75135	PHONE 903-527-5577	
ELECTRICAL CONTRACTOR	MAIL ADDRESS	CITY, STATE, ZIP	PHONE	
PLUMBING CONTRACTOR	MAIL ADDRESS	<div style="border: 2px solid black; padding: 5px; display: inline-block;"> <b>EXHIBIT</b>  <span style="font-size: 2em; font-weight: bold;">B</span> </div>		PHONE
MECHANICAL CONTRACTOR	MAIL ADDRESS			PHONE

### BUILDING INFORMATION

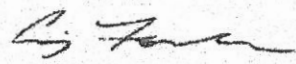
SFR/MFR:	Proposed SF:	Valuation of Work	Garage SF:	Structure Height:	Lot Size :	Plan Number:
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PERMIT DESCRIPTION: Install a 8 ft. tall fence made of cedar boards and iron frame and posts as pictured.

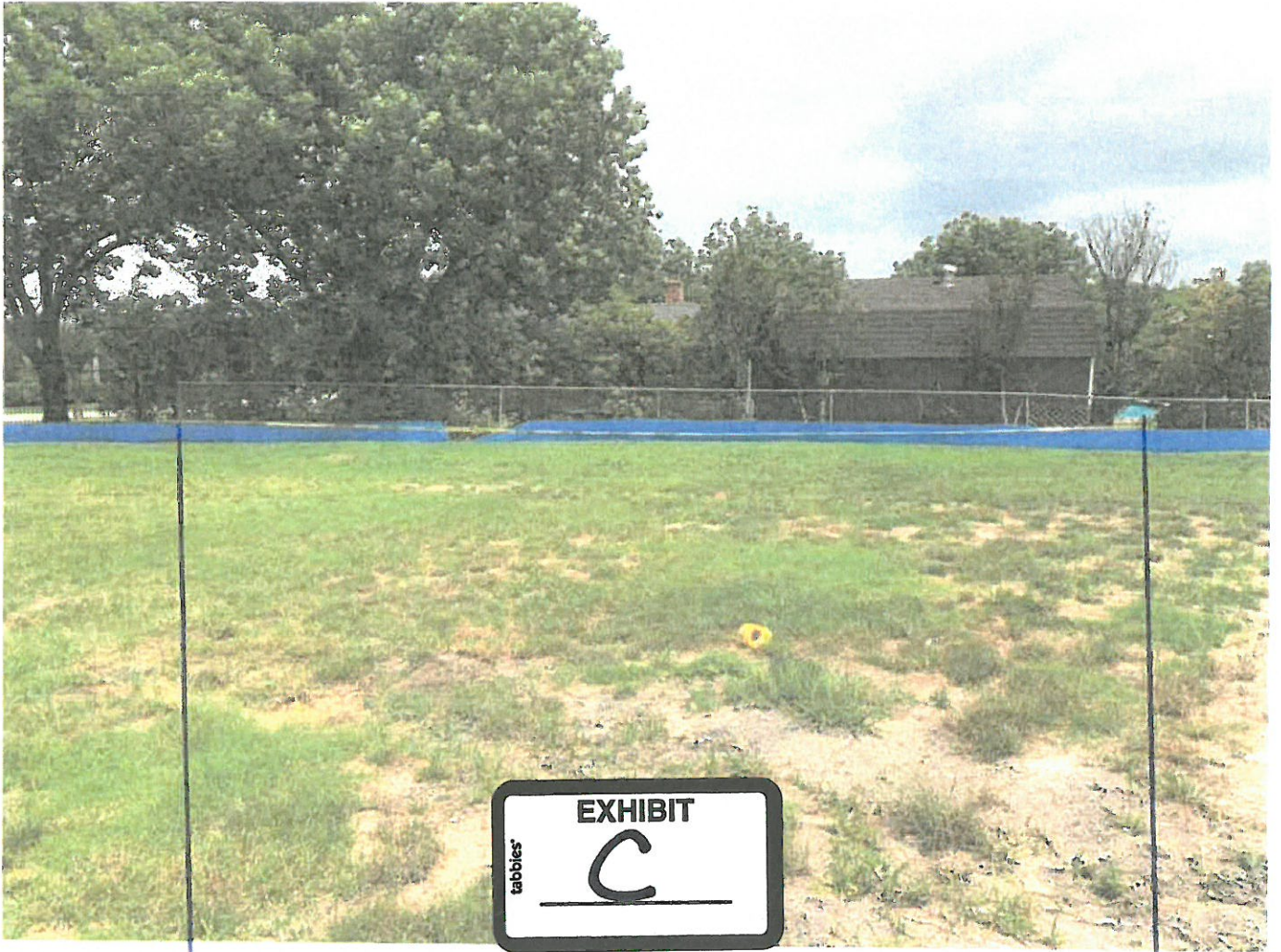
**CITY REMARKS/DESC:**  
NEW FENCE SHALL STOP AT THE FRONT CORNER OF THE HOUSE INDICATED BY THE RED LINE, NOT ENCROACH THE FRONTYARD. FENCE/POSTS SHALL NOT EXCEED 8 FEET IN HEIGHT MEASURED FROM THE GROUND TO THE TOP OF THE FENCE/POST AT ANY LOCATION

**NOTICE TO APPLICANT:** THIS PERMIT IS ISSUED ON THE BASIS OF INFORMATION FURNISHED IN THIS APPLICATION AND ON ANY SUBMITTED PLANS. AND IS SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF THE CITY OF ROCKWALL CODE OF ORDINANCES AND ANY OTHER APPLICABLE ORDINANCE. THIS PERMIT IS ISSUED ONLY FOR THE PURPOSE OF ALLOWING CONSTRUCTION OF A BUILDING OR STRUCTURE CONFORMING TO THE CODES AND ORDINANCES OF THE CITY, REGARDLESS OF INFORMATION AND/OR PLANS SUBMITTED.

**SCOPE OF PERMIT:** FOR NEW BUILDINGS AND FOR ADDITIONS TO EXISTING BUILDINGS, THIS PERMIT AUTHORIZES ALL STRUCTURAL, PLUMBING, ELECTRICAL, MECHANICAL, WORK TO BE PERFORMED IN THE CONSTRUCTION OF THE BUILDING OR STRUCUTRE AT THIS ADDRESS, IF DONE AT THE SAME TIME OF INITIAL CONSTRUCTION. NO SEPARATE SUBCONTRACTOR PERMITS ARE NEEDED FOR THOSE TRADES. HOWEVER, THE PERMIT HOLDER IS REQUIRED TO USE ONLY SUBCONTRACTORS LICENSES, REGISTERED, OR BONDED BY THE CITY OF ROCKWALL WHERE SUCH REQUIREMENT IS APPLICABLE.

I HEREBY ACCEPT ALL CONDITIONS HEREIN ABOVE MENTIONED AND CERTIFY THAT ALL STATEMENTS HEREIN RECORDED BY ME ARE TRUE.  _____ AGENT OR APPLICANT  _____ (DATE)   _____ CITY APPROVAL 04/22/2021 _____ (DATE)	<b>ESTIMATED VALUE (MFR ONLY):</b>								
	<table border="1" style="width: 100%;"> <tr> <td>Credit Card Processing Fee</td> <td style="text-align: right;">01-4015</td> <td style="text-align: right;">\$1.00</td> </tr> <tr> <td>Fence Permit Fee</td> <td style="text-align: right;">01-4302</td> <td style="text-align: right;">\$50.00</td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>TOTAL FEES</b></td> <td style="text-align: right;"><b>\$51.00</b></td> </tr> </table>	Credit Card Processing Fee	01-4015	\$1.00	Fence Permit Fee	01-4302	\$50.00	<b>TOTAL FEES</b>	
Credit Card Processing Fee	01-4015	\$1.00							
Fence Permit Fee	01-4302	\$50.00							
<b>TOTAL FEES</b>		<b>\$51.00</b>							

fence



Proposed new cedar fence to cover chain link fence on neighboring property

Front of my house - Build line Present permit stops fence here

fence









Colors

Options

Accessories

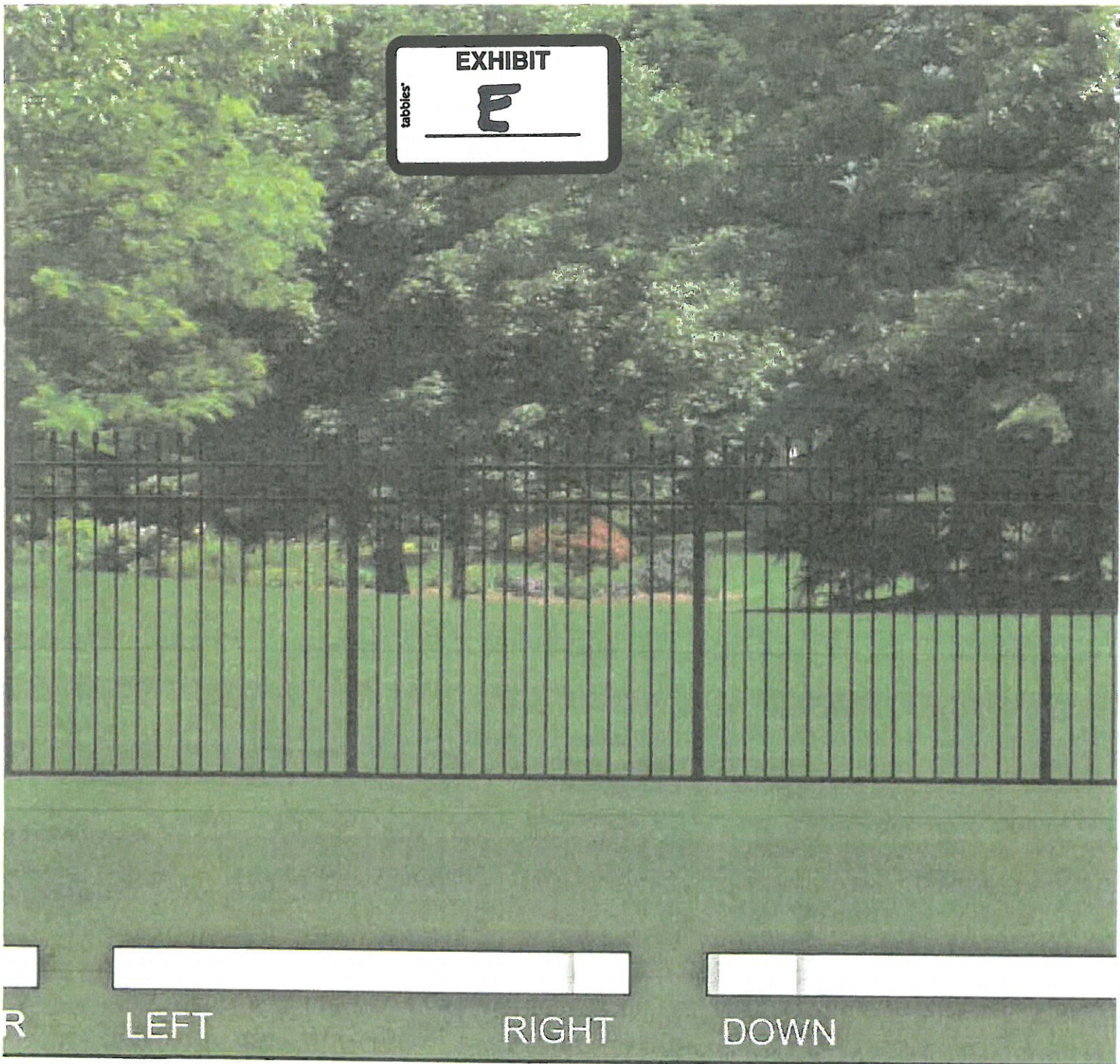


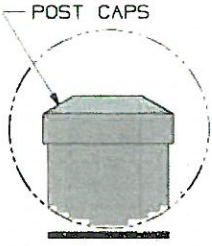
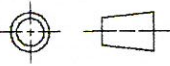
EXHIBIT  
tabbies  
E

R

LEFT

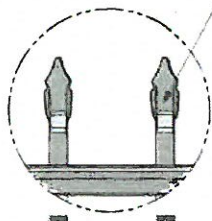
RIGHT

DOWN



POST CAPS

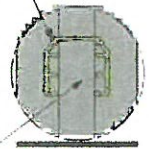
DETAIL B  
SCALE 1:2



COMERCIAL  
SPEAR TOP

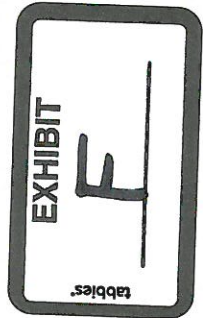
DETAIL A  
SCALE 1:4

1.375X1.25  
COMMERCIAL RAIL



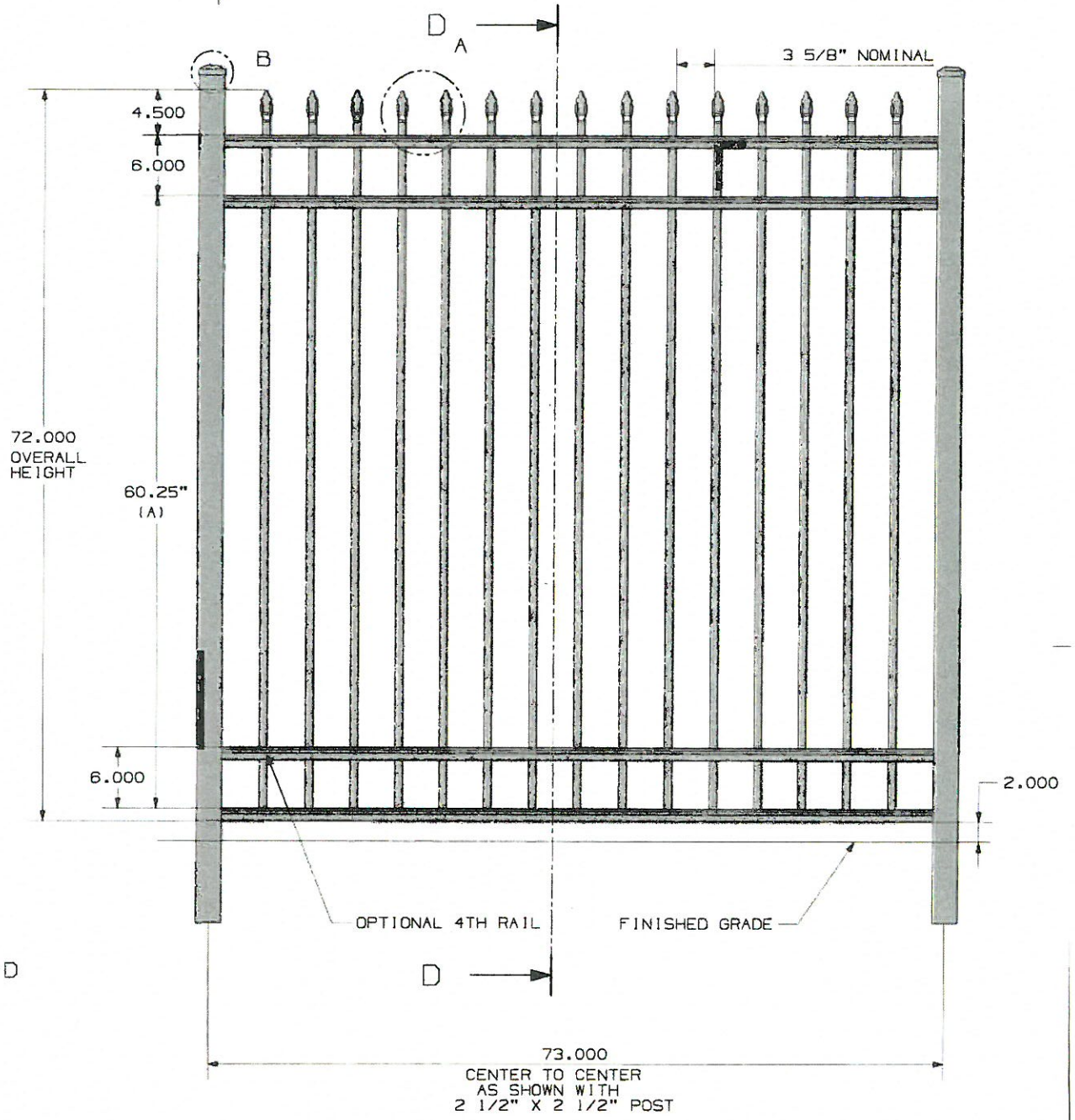
3/4" X 3/4" X .055 WALL  
COMMERCIAL PICKET

DETAIL C  
SCALE 1:2



SECTION D-D

- POST OPTIONS —  
 2" X 2" X .080" WALL  
 2" X 2" X .125" WALL  
 2 1/2" X 2 1/2" X .100" WALL  
 3" X 3" X .125" WALL

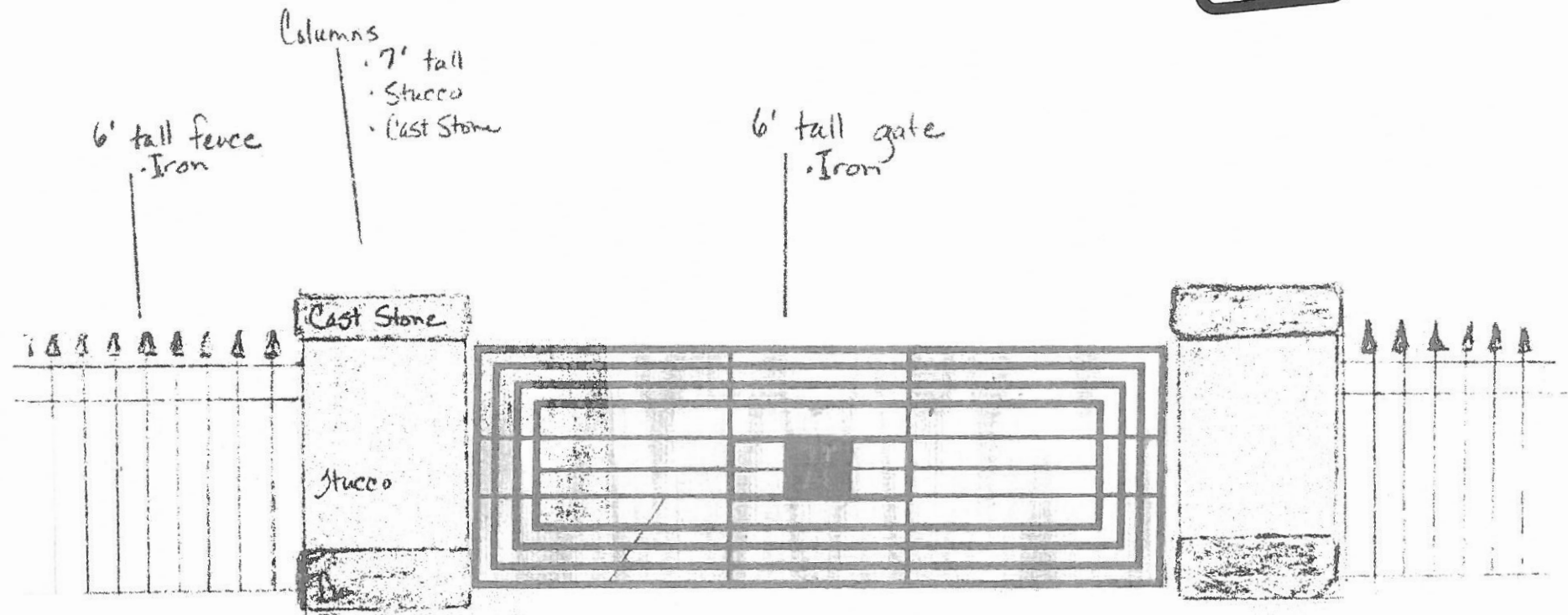
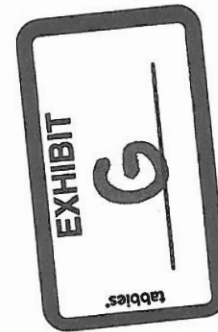


HEIGHT	A
3'	24 1/4"
3 1/2'	30 1/4"
4'	36 1/4"
4 1/2'	42 1/4"
5'	48 1/4"
6'	60 1/4"

3D CAD MASTER PART NAME:

ALL DIMENSIONS IN INCHES

		ULTRA ALUMINUM MANUFACTURING, INC. 2124 GRAND COMMERCE DR., HOWELL, MI 48855 PHONE (800) 656-4420 FAX (800) 646-7429	
FIRST ISSUED		TITLE	UAS-100 FLUSH BOTTOM WITH SPEAR COMMERCIAL
DRAWN BY		SIZE (DIM) NO.	UAS-100 FLUSH BOTTOM COMMERCIAL SPEAR Top 6x8
CHECKED BY		SCALE 1:1	
APPROVED BY			R-V <input checked="" type="checkbox"/>
		SHEET 1 OF 1	





September 2, 2021

TO: Andrew Thomas  
422 E I-30 Suite F  
Royse City, TX 75189

FROM: Henry Lee  
City of Rockwall Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, TX 75087

SUBJECT: MIS2021-010; *Front Yard Fence at 54 Shadydale Lane*

Andrew Thomas:

This letter serves to notify you that the above referenced miscellaneous case, that you submitted for consideration by the City of Rockwall, was denied by the Planning and Zoning Commission on August 31, 2021. The following is a record of all recommendations, voting records and conditions of approval:

*Planning and Zoning Commission*

On August 31, 2021, the Planning and Zoning Commission approved a motion to deny the miscellaneous case with the conditions of approval by a vote of 5-1, with Commissioner Chodun dissenting and Commissioner Womble absent.

Should you have any questions or concerns regarding your miscellaneous case or the miscellaneous case process, please feel free to contact me a (972) 771-7745.

Sincerely,

A handwritten signature in black ink, appearing to read 'Henry Lee', is written over a light blue horizontal line.

Henry Lee  
Planner