☐ TREESCAPE PLAN

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

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DEVELOPMENT APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 STAFF USE ONLY -

PLANNING & ZONING CASE NO.

MUSZ022-002

<u>NOTE:</u> THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

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NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS	Dicky W.	porten	MY COMMISSION E	XPIRES 3-8-2023

NOCKWALL + 385 SOUTH GOLIAD STREET + ROCKWALL, TX 75087 + [P] (972) 771-7745



CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION MEMORANDUM

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Planning and Zoning Commission

FROM: Henry Lee, *Planner*DATE: February 15, 2022

SUBJECT: MIS2022-002; Special Exception for a Wall at 602 Williams Street

On December 2, 2021, the Neighborhood Improvement Services (NIS) Department initiated a proactive (*or internal*) compliance case concerning the unpermitted construction of an eight (8) foot cedar fence and the increase/expansion of an existing stone wall and fireplace. Since this work was completed without a building permit, the applicant had not sought approval of a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB) or a special exception from the Planning and Zoning Commission. After the applicant and staff spoke about the unpermitted improvements the applicant submitted a Certificate of Appropriateness (COA) application [Case No. H2021-010], which was approved by the Historic Preservation Advisory Board (HPAB) on December 16, 2021 by a vote of 4-1 (*with Board Member Miller dissenting and Board Members McClintock and Bowlin absent*). Following this approval -- and in accordance with the conditions of approval from Case No. H2021-010 – the applicant submitted a development application for a fence exception on January 18, 2021.

Based on the submitted application, the applicant is requesting to allow the unpermitted improvements to remain in place and to allow a future expansion of the stone wall to continue south along the western property line. The original wall was estimated to be five (5) feet tall, and the finished height of the wall – *after the unpermitted improvements* – is ten (10) feet tall. Utilizing aerial imagery of the existing stone wall, it appears to be approximately 34-feet in length, extending from the rear façade of the home to approximately 13-feet behind the front façade of the guest quarters. Within you packet are photos provided by the applicant and from the Neighborhood Improvement Services (NIS) Department depicting the scope of work completed. Staff has provided a map showing the existing improvements, the unpermitted fence, and the requested extension of the wall (see Figure 1 below).



FIGURE 1: FENCE AND WALL LOCATIONS

According to Subsection 02.01, *General Definitions*, of Article 13, *Definitions*, of the Unified Development Code (UDC), a fence is defined as "(a)ny wall or structure of any material for which the purpose is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building, or structure." In addition, according to Subsection 08.03(B), *Fence Standards for Existing and Infill Single-Family and Duplex Properties*, of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), "(a)ll solid fencing shall be constructed utilizing standard cedar fencing materials ... Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height." In this case, the stone wall is considered a fence, is not constructed utilizing residential fencing materials, and exceeds the maximum height requirement by two (2) feet. The proposed continuation of the ten (10) foot stone wall would also exceed the eight (8) foot maximum height requirement for residential fences. The applicant has stated to staff that the additional height of the wall is required to block floodlights on the adjacent property to the west. Staff should note that the Neighborhood Improvement Services (NIS) Department did receive a compliant about the floodlights; however, determined that there was no violation after performing a site visit of the property. It should also be pointed out that the applicant has attempted to match the stone on the existing wall with the stone used to increase the height of the wall, and would be required to do so on the proposed expansion along the western property line.

According to Subsection 08.03(B)(3), Special Exceptions, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC), "(t)he Planning and Zoning Commission may consider alternative materials that are permitted by Subsection 08.02(B) (e.g. vinyl or split rail fencing) and/or alternative fence standards on a case-by-case basis." In this case, the existing fence, unpermitted improvements, and proposed expansion do not appear to have a negative impact of the adjacent property; however, this would be a discretionary decision for the Planning and Zoning Commission. Based on the Historic Preservation Advisory Board (HPAB) approving a Certificate of Appropriateness (COA) for this case they are sending a recommendation for approval to the Planning and Zoning Commission. To assist the Planning and Zoning Commission in their decision staff has provided the information submitted by the applicant as part of this case in the attached packet. Staff should note that if denied the applicant would be required to bring the fence and wall into conformance with the requirements of the Unified Development Code (UDC). Should the Planning and Zoning Commission have any questions staff will be available at the meeting on February 15, 2022.



DEVELOPMENT APPLICATION

City of Rockwall Planning and Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 STAFF USE ONLY -

PLANNING & ZONING CASE NO.

MUSZ022-002

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City of Rockwall

Planning & Zoning Department 385 S. Goliad Street Rockwall, Texas 75032 (P): (972) 771-7745 (W): 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.





CITY OF ROCKWALL

HISTORIC PRESERVATION ADVISORY BOARD CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

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

TO: Historic Preservation Advisory Board

DATE: December 16, 2021 **APPLICANT:** Patricia Edwards

CASE NUMBER: H2021-010; Certificate of Appropriateness (COA) for 602 Williams Street

SUMMARY

Hold a public hearing to discuss and consider a request by Patricia Edwards for the approval of a <u>Certificate of Appropriateness</u> (<u>COA</u>) for a <u>High Contributing Property</u> being a 0.907-acre tract of land identified as a portion of Block 121 of the B. F. Boydston Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 7 (SF-7) District, situated within the Old Town Rockwall (OTR) Historic District, addressed as 602 Williams Street, and take any action necessary.

BACKGROUND

The subject property was annexed prior to 1934 based on the August 25, 1934 Sanborn Maps. According to the Rockwall Central Appraisal District (RCAD), existing on the subject property are a ~4,623 SF single-family home constructed in 1935, and a ~2,409 SF secondary living unit/guest quarters and a 90 SF portable accessory building constructed in 1995. According to the 2017 Historic Resource Survey, the single-family home constructed on the subject property is built in the colonial revival architectural style and is classified as a High Contributing Property. In addition, the survey states that single-family home was built in 1915, not in 1935 as indicated by RCAD. According to the January 3, 1972 historic zoning map the subject property was zoned Single-Family 3 (SF-3) District. At some point between January 3, 1972 and May 16, 1983 the subject property was rezone to Single-Family 7 (SF-7) District.

PURPOSE

The applicant is requesting approval of a Certificate of Appropriateness (COA) for the purpose of permitting a wall and fence built without a permit and extending a ten (10) foot wall on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is located at 602 Williams Street. The land uses adjacent to the subject property are as follows:

North:

Directly north of the subject property is Williams Street, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 601 Williams Street, which is a 0.6428-acre parcel of land with a ~2,847 SF single-family home situated on it. According to the 2017 Historic Resource Survey the home was built in 1918, and is designated as a High Contributing Property. Beyond this is the boundary of the Old Town Rockwall (OTR) Historic District and the remainder of the Foree Addition, which was established on February 2, 1913 and consists of 26 single-family homes zoned Single-Family 7 (SF-7) District.

South:

Directly south of the subject property is 303 N. Clark Street, which is a 0.689-acre parcel of land with a ~2,401 SF single-family home situated on it. According to the 2017 Historic Resource Survey the home was built circa 1950 and is designated as a Medium Contributing Property. Beyond this is 205 N. Clark Street, which is a 0.323-acre parcel of land with a ~1,146 SF single-family home situated on it. According to the 2017 Historic Resource Survey, the home was built circa 1955 and is designated as a Medium Contributing Property. Beyond this are four (4) parcels of land, two (2) vacant and two (2) developed with single-family homes. All four (4) properties are designated as

Non-Contributing and zoned Single-Family 7 (SF-7) District and are located within the Old Town Rockwall (OTR) Historic District.

East:

Directly east of the subject property is N. Clark Street, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is 306 N. Clark Street, which is a 0.947-acre parcel of land with a ~2,379 SF single-family home situated on it. According to the 2017 Historic Resource Survey, this home was built circa 1915 and is designated as a *Medium Contributing Property*. Beyond this are the boundaries of the Old Town Rockwall (OTR) Historic District. All of these properties are zoned Single-Family 7 (SF-7) District.

West:

Directly west of the subject property is 510 Williams Street, which is a 0.388-acre parcel of land with a ~3,848 SF single-family home situated on it. According to the 2017 Historic Resource Survey, this home was built circa 1965 and is designated as a Medium Contributing Property. Beyond this is 504 Williams Street, which is a 0.450-acre parcel of land with a ~1,982 SF single-family situated on it. According to the 2017 Historic Resource Survey, this home was constructed circa 1925 and is designated as a High Contributing Property. Beyond this is 502 Williams Street, which is a 0.450-acre parcel of land with a ~1,994 SF single-family home situated on it. According to the 2017 Historic Resource Survey, this home was constructed circa 1925 and is designated as a Non-Contributing Property. All of these properties are zoned Single-Family 7 (SF-7) District and are located within the Old Town Rockwall (OTR) Historic District.

CHARACTERISTICS OF THE PROJECT

On December 2, 2021, the Neighborhood Improvement Services (NIS) Department initiated a proactive (*or internal*) compliance case concerning the unpermitted construction of an eight (8) foot cedar fence and the increase/expansion of an existing stone wall and fireplace. Since this work was completed without a building permit, the applicant had not sought approval of a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB). After the applicant and staff spoke about the unpermitted improvements, the applicant submitted a Certificate of Appropriateness (COA) application. Submitted with this application, was a request to allow the stone wall to continue south along the western property line. The original wall was estimated to be five (5) feet tall, and the finished height of the wall -- after the unpermitted improvements -- is ten (10) feet. Utilizing aerial imagery of the existing stone wall, it appears to be approximately 34-feet in length, extending from the rear façade of the home to approximately 13-feet behind the front façade of the guest quarters. Within your packet are photos provided by the applicant and from the Neighborhood Improvement Services (NIS) Department depicting the scope of work completed. Staff has provided a map showing the existing improvements, the unpermitted fence, and the requested extension of the wall.

CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES

According to Section 07(H), Building Standards, of Appendix D, Historic Preservation Guidelines, of the Unified Development Code (UDC), "(a) fence in the front, side, or rear yards should meet all applicable city codes ... (a)ny fence that requires review must be architecturally compatible in height, materials, color, texture and design with the style and period of the main structure on the lot." In this case, the new cedar fence is the only wood fence on the subject property, with the other perimeter fences being wrought iron or chain link. According to Subsection 02.01, General Definitions, of Article 13, Definitions, of the Unified Development Code (UDC) a fence is defined as "(a)ny wall or structure of any material for which the purpose is to provide protection from intrusion, both physical and visual, to prevent escape, mark a boundary, enclose, screen, restrict access to, or decorate any lot, building, or structure." In addition, according to Subsection 08.02, General Fence Standards, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC), the maximum height of a residential fence is eight (8) feet. In this case the stone wall is considered a fence and exceeds the maximum height requirement by two (2) feet. The proposed continuation of the ten (10) foot stone wall would also exceed the eight (8) foot maximum residential fence requirement. The applicant has stated to staff that the additional height of the wall is required to block floodlights on the adjacent property to the west. Staff should also note that the applicant has attempted to match the stone on the existing wall with the stone used to increase the height of the wall, and would be required to do so on the proposed expansion along the southern property line. It should also be stated that the applicant will be required to submit and be approved for a fence exception from the Planning and Zoning Commission for the increased height of the wall. This means that if the Historic Preservation Advisory Board (HPAB) approves this Certificate of Appropriateness (COA), a recommendation for approval will be forward to the Planning and Zoning Commission.

According to Subsection 06.03(G)(5), Standards of Approval, of Article 05, District Development Standards, of the Unified Development Code (UDC), "the Historic Preservation Advisory Board (HPAB) must approve the application for a Certificate of Appropriateness if it determines that ... the application will not adversely affect the character of the site; and the proposed work is consistent with the regulations contained in this section and proposed preservation criteria ..." That being said the approval of a Certificate of Appropriateness (COA) is a discretionary decision for the Historic Preservation Advisory Board (HPAB).

CONDITIONS OF APPROVAL

If the Historic Preservation Advisory Board (HPAB) chooses to approve the request for a Certificate of Occupancy (COA), staff would propose the following conditions of approval:

- (1) The applicant shall be required to submit an exception request to the Planning and Zoning Commission for the additional height to the fence.
- (2) The applicant will be required to match the stone used on the existing wall and the stone used to increase the height of the wall on the proposed expansion along the southern property line.
- (3) 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.



FOR THIS CASE TO BE APPROVED.

OWNER'S SIGNATURE

HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

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

	CASE NUMBER:	H2021-010
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IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT? $\ \square$ YES $\ \square$ NO	APPLICANT(S) IS/ARE: BOWNER ☐ TENANT ☐ NON-PROFIT ☐ RESIDENT
CHECK THIS BOX IF OWNER AND APPLICANT ARE THE SAME.	☐ OTHER, SPECIFY:
OWNER(S) NAME PATILIA Edux	APPLICANT(S) NAME
ADDRESS (602 William St. Rockwall tx 75087	ADDRESS
PHONE 214.315.0474	PHONE
E-MAIL	E-MAIL
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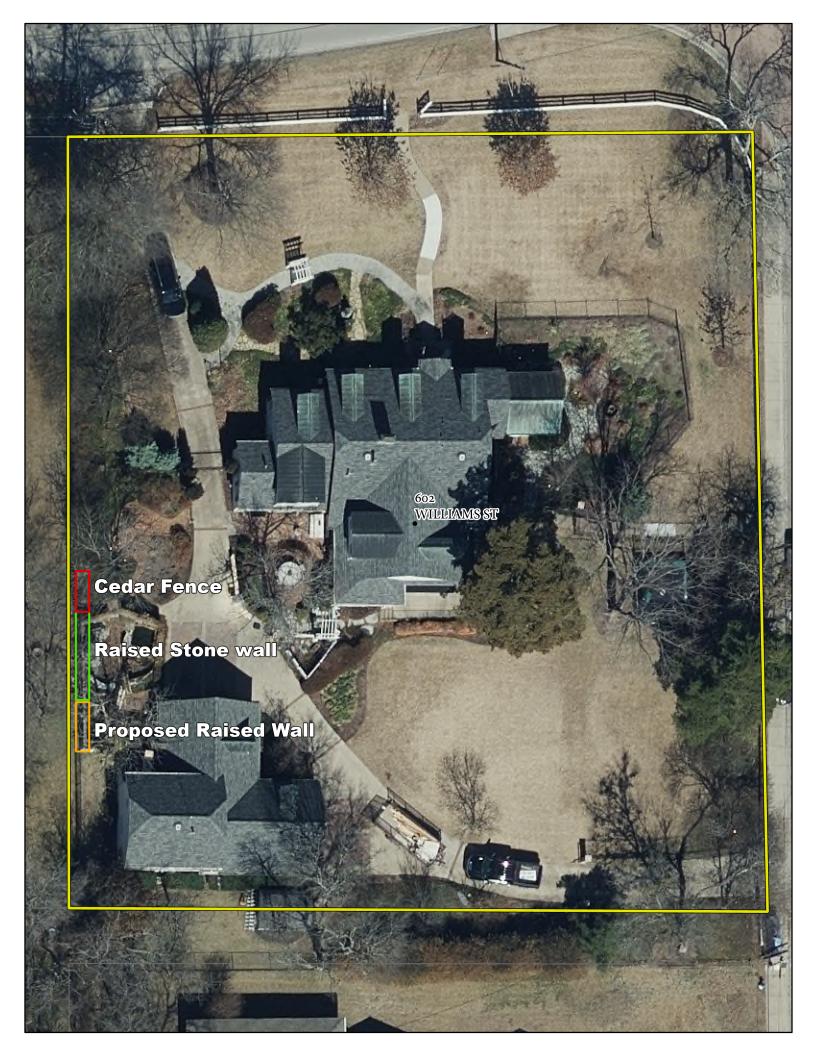




City of Rockwall

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February 18, 2022

TO: Patricia Edwards

602 Williams Street Rockwall, TX 75087

FROM: Henry Lee

City of Rockwall Planning and Zoning Department

385 S. Goliad Street Rockwall, TX 75087

SUBJECT: MIS2022-002; Variance for a Wall at 602 Williams Street

Patricia Edwards:

This letter serves to notify you that the above referenced case (*i.e. Miscellaneous Case*) that you submitted for consideration by the City of Rockwall was approved by the Planning and Zoning Commission on February 15, 2022. The following is a record of all recommendations, voting records and conditions of approval:

Staff Recommendations

(1) Any construction resulting from the approval of this <u>Miscellaneous Case</u> 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.

Planning and Zoning Commission

On February 15, 2022, the Planning and Zoning Commission approved a motion to approve only the unpermitted improvements by a vote of 7-0.

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

Sincerely

Henry Lee, Planner

City of Rockwall Planning and Zoning Department