



# DEVELOPMENT APPLICATION

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

STAFF USE ONLY  
PLANNING & ZONING CASE NO. \_\_\_\_\_

**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 405 FOX HOLLOW DRIVE

Subdivision RIDGECREST

Lot 1

Block C

General Location N/E CORNER OF FOX HOLLOW DRIVE & AIRPORT ROAD

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

Current Zoning ORDINANCE 14-42

Current Use SF

Proposed Zoning NO CHANGE - JUST REPLAT FOR HOA USE

Proposed Use NO CHANGE BUT JUST NEED TO CREATE AN HOA LOT (+/- 200 SF)

Acreage 1/2 20,340 SF, w .5 AC

Lots [Current] 1

Lots [Proposed] 2

**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 WINDSOR HOMES CUMBERLAND LLC

Applicant SAME AS OWNER

Contact Person ADAM BUCZEK

Contact Person

Address 8214 Westchester Dr., Ste 710

Address

City, State & Zip DALLAS, TX 75225

City, State & Zip

Phone 214-888-8843

Phone

E-Mail abuczek@slawburgcompany.com

E-Mail

## NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared ADAM J. BUCZEK [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 12<sup>th</sup> day of DECEMBER, 20 19. 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 12<sup>th</sup> day of DECEMBER, 20 19.

Owner's Signature

Adam J. Buczek

Notary Public in and for the State of Texas

Shannon Allen



My Commission Expires

1-3-23





# 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.





8214 Westchester Drive, Suite 710  
Dallas, Texas 75225



Mr. Ryan Miller  
Director of Planning & Zoning  
385 S. Goliad Street  
Rockwall, Texas 75087

December 12, 2019

Dear Mr. Miller:

On behalf of Windsor Homes Cumberland LLC, please accept this variance request and replat application for Lot 1, Block C (405 Fox Hollow Drive) of the Ridgecrest Estates subdivision (the "Lot").

Windsor Homes expects to complete construction of the home for the homebuyer by February 2020. However, to be able to convey clear title to the homebuyer, an encroachment and fencing issue must be resolved.

As shown in the attached exhibits, there is an existing encroachment on the Lot from the neighboring property to the east that includes a shed, a wood fence, a patio and a hot tub. The total encroachment area is approximately 246 square feet (at strip about 3.5' wide by 70' long). Unfortunately, the owner of the property to the east recently passed away and the property is now in probate, and we have been unable to obtain confirmation and approval from the Trustee to remove these encroaching structures before the home must be closed to our buyer.

As a result of this encroachment, Windsor cannot convey clear title without replatting this lot to carve out the encroached area from the lot boundary and dedicating it to the HOA. Secondly, our buyer understandably wants a new, solid wood fence installed along the entire back property line (consistent with the back yard fencing of the other homes in Ridgecrest which abut the east property boundary) rather than look at the existing dilapidated fence and encroaching structures (see pictures attached).

For HOA maintenance purposes, our replat for Lot 1, Block C will carve out the encroachment area and continue a solid strip to connect with the existing landscape buffer to the south that runs along Airport Road for easy access and ongoing maintenance by the HOA.

However, this creates the fencing issue as the Ridgecrest Estates PD requires tubular steel fencing against HOA open spaces. While the title issue gets resolved with the replat, we need a variance for our buyer to allow solid wood fencing along the backyard fence and the new HOA open space that would be created with the replat.

Enclosed with this letter are the following exhibits to help illustrate the reasons for this request:

- Exhibit "A": Lot Survey showing the encroachment area
- Exhibit "B": Aerial
- Exhibit "C": Recorded Final Plat of Ridgecrest Estates with Lot 1, Block C highlighted
- Exhibit "C-2": Zoomed in recorded Final Plat of Ridgecrest Estates with Lot 1, Block C highlighted
- Exhibit "D": Boundary survey of the Ridgecrest Estates entire subdivision highlighting the encroachment
- Exhibit "E": Pictures of the encroachment structures
- Exhibit "F": Lot 1, Block C Replat

If you need any additional information other than the enclosures with this application, please let me know.

Sincerely,

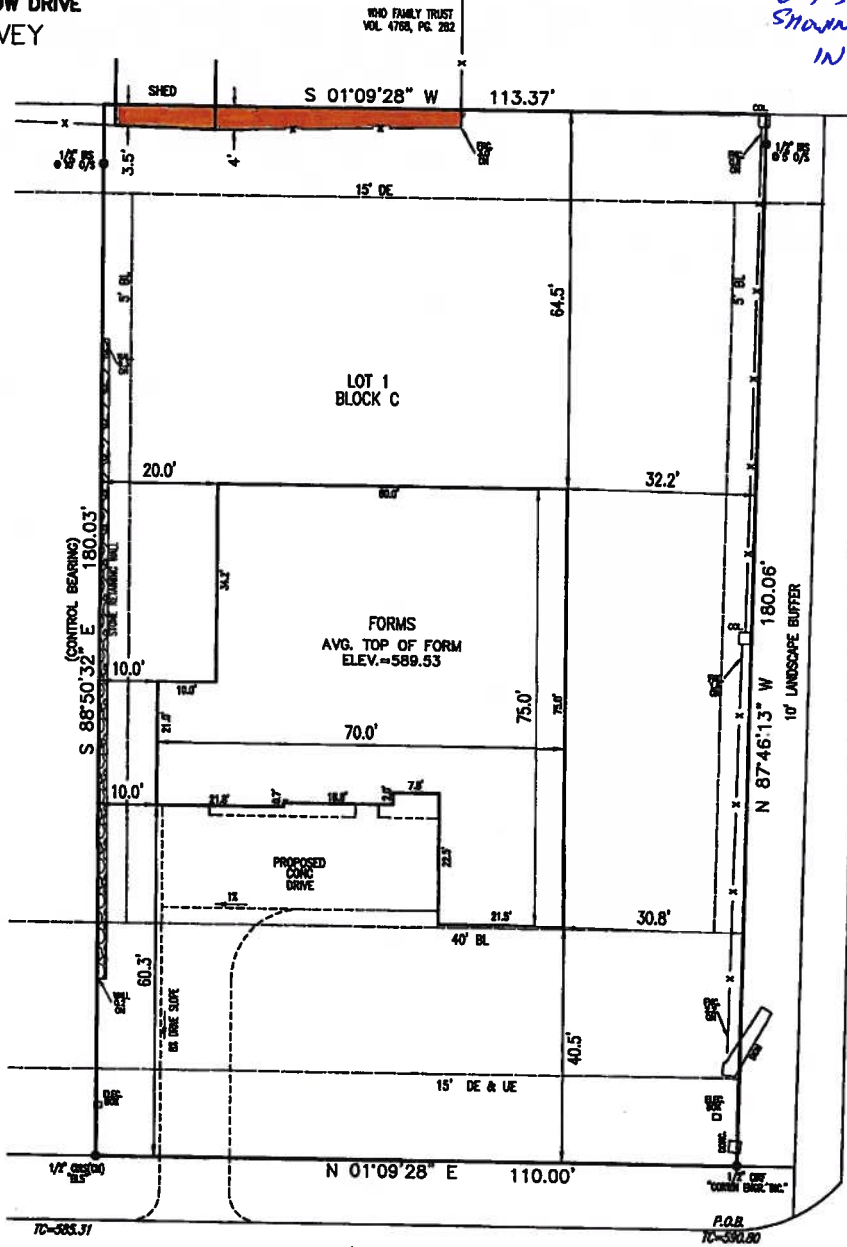
Adam J. Buczec  
Windsor Homes Cumberland, LLC (Owner and Applicant)

PLAT SHOWING

Lot 1, Block C of RIDGECREST, an Addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Volume J, Page 63, Plat Records, Rockwall County, Texas.

405 FOX HOLLOW DRIVE  
FORM SURVEY

EXHIBIT "A"  
LOT SURVEY  
SHOWING ENCROACHMENT AREA  
IN ORANGE



405 FOX HOLLOW DRIVE  
50' R.O.W.

CULVERTS NOT IN PLACE 8/7/2019

**VERTICAL DATUM**  
ELEVATIONS SHOWN HEREON ARE BASED ON GRADING PLANS PROVIDED BY WINDSOR HOMES.

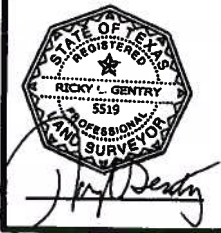
**BEARING SOURCE**  
BEARINGS SHOWN HEREON ARE BASED ON THE PLAT RECORDED IN VOL. J, PG. 63, P.F.A.C.T.

**FLOOD CERTIFICATION**  
Subject property is located in Zone X (unshaded) according to the Flood Insurance Rate Map Community Panel Map # 483970004S L Map Revised September 28, 2008

\*Zone X (unshaded) Area determined to be outside the 0.2% annual chance floodplain.

Determination based on graphical scaling from the above listed map, only.

This flood statement does not create liability on part of the surveyor or surveying company.



I hereby certify that the forms are in place upon this lot according to the distances to property lines shown, and were determined from a survey made on the ground.

SURVEY DATE: 8/7/2019

SCALE: 1" = 20'

DRAWN BY: EEB

JOB # 038-0301

BLS JOB # 1902731-03

**LEGEND**  
BL = BUILDING LINE  
UE = UTILITY EASEMENT  
DE = DRAINAGE EASEMENT  
CM = CONTROLLING MONUMENT  
IRF = IRON ROD FOUND  
IRFS = IRON ROD SET  
IRP = IRON ROD  
F = FENCE  
X = DIRECTION OF FLOW

WINDSOR

**BARROW**  
LAND SURVEYING

Platting / Planning / Residential / Commercial

3970 SANDSHELL DRIVE  
FORT WORTH, TEXAS 76137  
PHONE (817) 961-0082  
FAX (817) 961-0086  
FIRM REGISTRATION NO. 10183700

EXHIBIT "B"

TERMINAL













EX: E"

P. 143

ENCLOSURE  
STRUCTURE



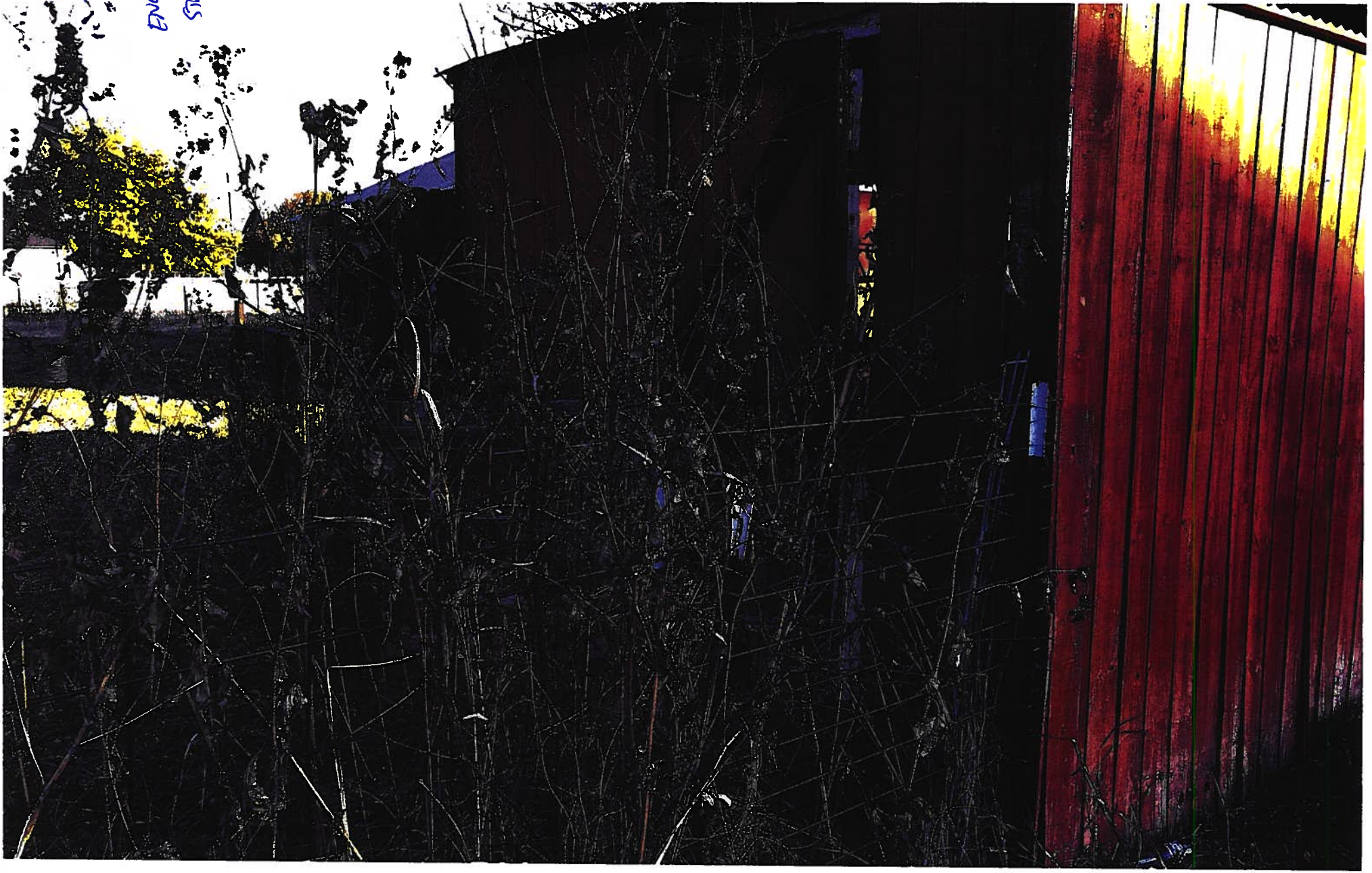


EX. E'  
P. 243  
ENCOURAGEMENT  
STRUCTURE





EX. "E"  
P 343  
ENCLOSURE  
SPRINKLER



**OWNER'S CERTIFICATE**

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

**CITY OF ROCKWALL**  
 We, the undersigned owners of the land shown on this plat and designated herein as the LOT 1 BLOCK C out of RIDGECREST subdivision in the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public, forever all streets, easements, drains, easements and other facilities thereon shown on the purpose and consideration therein expressed, as further certified that all been notified and signed this plat.

We understand and do hereby reserve the easement strips shown on this plat for the purpose stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following:

1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.
2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way obstruct or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips for purpose of construction, reconstruction, inspection, purchase, maintenance, and other loading to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.
3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.
4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.
5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.
6. The detention drainage system is to be maintained, repaired, and replaced to approved plan conditions by the subdivision/H.O.A.
7. No house dwelling unit or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the subdivision/sewer/drainage improvements with respect to the streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and ditches, all according to the specifications of the City of Rockwall or

until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, whereby the city to make such improvements at prevailing private commercial rates, or have the owner, contractor or pay for the same out of the escrow deposit, should the developer written agreement, but in no case shall the city be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments of the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done or

until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the design and construction, guaranteeing the completion thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.

We further acknowledge that the dedications and/or actions made herein are proportional to the impact of the Subdivision upon the public services required in order that the development will conform with the present and future growth needs of the City and our successors and assigns. We hereby waive any claim, demand, or cause of action that we may have as a result of the dedication of actions made herein.

**WINSOR HOMES CUMBERLAND, L.L.C.**  
 a Texas limited liability company

Adam J. Buczek  
 Authorized Signer

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared ADAM J. BUCZEK known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated. Given upon my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public In and for the State of Texas My Commission Expires: \_\_\_\_\_

NOTE: It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer, drainage systems have been accepted by the City. The approval of a plat by the city does not constitute any representation, opinion or guarantee that any building within such plat shall be reviewed, authorized or permit therefore issued, for shall such approval constitute any representation or guarantee by the City of the adequacy and availability for water for personal use and fire protection within such plat, as required under Ordinance 83-34.

Planning & Zoning Commission Date \_\_\_\_\_

APPROVED \_\_\_\_\_

I hereby certify that the above and foregoing plat of an addition to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

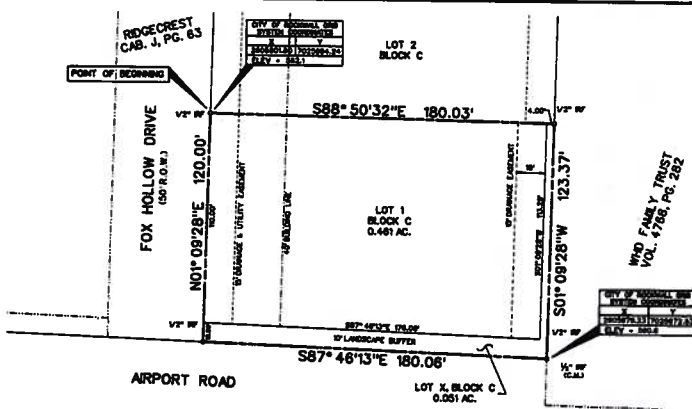
This approval shall be invalid unless the approved plat for such addition is recorded in the office of the Court Clerk of Rockwall County, Texas, within one hundred eighty (180) days from said date of final approval.

WITNESS OUR HANDS, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Mayor, City of Rockwall City Secretary City Engineer

**NOTES**

1. Bearings are referenced to Ridgecrest (Cob. J, Side 63).
2. All lot lines are radial or perpendicular to the street unless otherwise noted by bearing.
3. 1/2" iron rods with "CORWIN ENGR, INC." cope set at all boundary corners, block corners, points of curvature, points of tangency, and angle points in public right-of-way unless otherwise noted.
4. No fences or structures allowed in any Drainage Easements.
5. H.O.A. to maintain all Drainage Easements.



**LEGAL DESCRIPTION**

BEING a tract of land situated in the E.M. Elliott Survey, Abstract No. 77 in Rockwall County, Texas, being all of Lot 1 Block C, out of Ridgecrest, an addition to the City of Rockwall, as described in Coblet J, Side 63, in the Plat Records of Rockwall County, Texas, being more particularly described as follows:

BEING, at a 1/2 inch iron rod found at the northwest corner of add Lot 1 being in the east line of Fox Hollow Drive (50' H.O.W.);

THENCE, South 88°50'32" East, along the north line of add Lot 1, for a distance of 180.03 feet, to a 1/2 inch iron rod found at the northwest corner of add Lot 1;

THENCE, South 01°09'28" West, along the east line of add Lot 1, for a distance of 123.37 feet, to a 1/2 inch iron rod found at the southeast corner of Ridgecrest, being in the north line of Airport Road;

THENCE, North 87°48'13" West, along the south line of add Ridgecrest and the north line of add Airport Road, for a distance of 180.06 feet, to a 1/2 inch iron rod found intersection of the east line of add Fox Hollow Drive and the north line of add Airport Road;

THENCE, North 01°09'28" East, departing add north line and along the east line of add Fox Hollow Drive, for a distance of 120.00 feet, to the POINT OF BEGINNING and containing 0.503 acres of land.

THE PURPOSE OF THIS REPLAT IS TO CREATE LOT X, BLOCK C.

**SURVEYOR CERTIFICATE**

I, WARREN L. CORWIN, do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made under my direction and supervision and all corners are as shown thereon and there are no encroachments, conflicts, protrusions or viable utilities on the ground except as shown and said plat has been prepared in accordance with the plotting rules and regulations of the City Plan Commission of the City of Rockwall, Texas.

DATED the this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

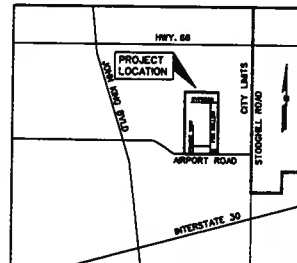
WARREN L. CORWIN  
 R.P.L.S. No. 4621

THE STATE OF TEXAS  
 COUNTY OF COLLIN

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared WARREN L. CORWIN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity therein stated and for the purposes and considerations therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public in and for the State of Texas



LOCATION MAP  
 N.T.S.

FINAL PLAT  
 OF

**LOT 1 BLOCK C**

BEING 0.503 ACRES  
 BEING A REPLAT  
**LOT 1 BLOCK C**

OF  
**RIDGECREST**  
 SITUATED IN THE

**E.M. ELLIOTT SURVEY, ABSTRACT NO. 77**

IN THE  
**CITY OF ROCKWALL**  
**ROCKWALL COUNTY, TEXAS**

PREPARED BY  
**CORWIN ENGINEERING, INC.**  
 200 W. BELMONT, SUITE E  
 ALLEN, TEXAS 75013  
 972-398-1200

OWNER  
**WINSOR HOMES CUMBERLAND, L.L.C.**  
 8214 WESTCHESTER DRIVE, SUITE 710  
 DALLAS, TEXAS 75225

DECEMBER 2019 SCALE 1" = 40'

CASE • P2019-XXX

Lot 1, Block C REPLAT

EXHIBIT 'F'