



**CASE COVER SHEET**

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

**PLANNING & ZONING CASE NO.**

***HISTORIC PRESERVATION ADVISORY BOARD APPLICATION***

CERTIFICATE OF APPROPRIATENESS (COA)  
BUILDING PERMIT FEE WAIVER  
SMALL MATCHING GRANT (SMG)

**RECORD OF RECOMMENDATIONS, VOTING RECORDS, AND CONDITIONS OF APPROVAL**

**HISTORIC PRESERVATION ADVISORY BOARD**

**CONDITIONS OF APPROVAL**

**NOTES**



# HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

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

### STAFF USE ONLY

CASE NUMBER: \_\_\_\_\_

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

DIRECTOR OF PLANNING: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

#### APPLICATION:

- CERTIFICATE OF APPROPRIATENESS (COA)
- LOCAL LANDMARK EVALUATION & DESIGNATION
- BUILDING PERMIT WAIVER & REDUCTION PROGRAM
- SMALL MATCHING GRANT APPLICATION

#### SPECIAL DISTRICTS [SELECT APPLICABLE]:

- OLD TOWN ROCKWALL HISTORIC (OTR) DISTRICT
- PLANNED DEVELOPMENT DISTRICT 50 (PD-50)
- SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT
- DOWNTOWN (DT) DISTRICT

#### CONTRIBUTING STATUS [SELECT APPLICABLE]:

- LANDMARKED PROPERTY
- HIGH CONTRIBUTING PROPERTY
- MEDIUM CONTRIBUTING PROPERTY
- LOW CONTRIBUTING PROPERTY
- NON-CONTRIBUTING PROPERTY

#### CURRENT LAND USE OF THE SUBJECT PROPERTY:

- RESIDENTIAL
- COMMERCIAL

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **601 Kernodle St. Rockwall, TX 75087**

SUBDIVISION \_\_\_\_\_

LOT \_\_\_\_\_

BLOCK \_\_\_\_\_

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

IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT?  YES  NO

APPLICANT(S) IS/ARE:  OWNER  TENANT  NON-PROFIT  RESIDENT

CHECK THIS BOX IF OWNER AND APPLICANT ARE THE SAME.

OTHER, SPECIFY: \_\_\_\_\_

OWNER(S) NAME **Jonathan Brown**

APPLICANT(S) NAME \_\_\_\_\_

ADDRESS **601 Kernodle St.**

ADDRESS \_\_\_\_\_

**Rockwall, TX 75087**

PHONE **214-363-5687**

PHONE \_\_\_\_\_

E-MAIL **jbrown@jhparch.com**

E-MAIL \_\_\_\_\_

### SCOPE OF WORK/REASON FOR EVALUATION REQUEST [PLEASE PRINT]

CONSTRUCTION TYPE [CHECK ONE]:  EXTERIOR ALTERATION  NEW CONSTRUCTION  ADDITION  DEMOLITION  
 RELOCATIONS  OTHER, SPECIFY: **Backyard Fence**

ESTIMATED COST OF CONSTRUCTION/DEMOLITION OF THE PROJECT (IF APPLICABLE): **\$ 10,000**

**PROJECT DESCRIPTION.** IN THE SPACE PROVIDED BELOW OR ON A SEPARATE SHEET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE. FOR LOCAL LANDMARK EVALUATION & DESIGNATION REQUESTS INDICATE ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY, SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PAST USE(S), ETC. STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE PROPERTY ARE SUBMITTED WITH THIS APPLICATION.

**We are proposing a 4' high stained wood cedar fence in a craftsman style to enclose just the backyard of the home.**

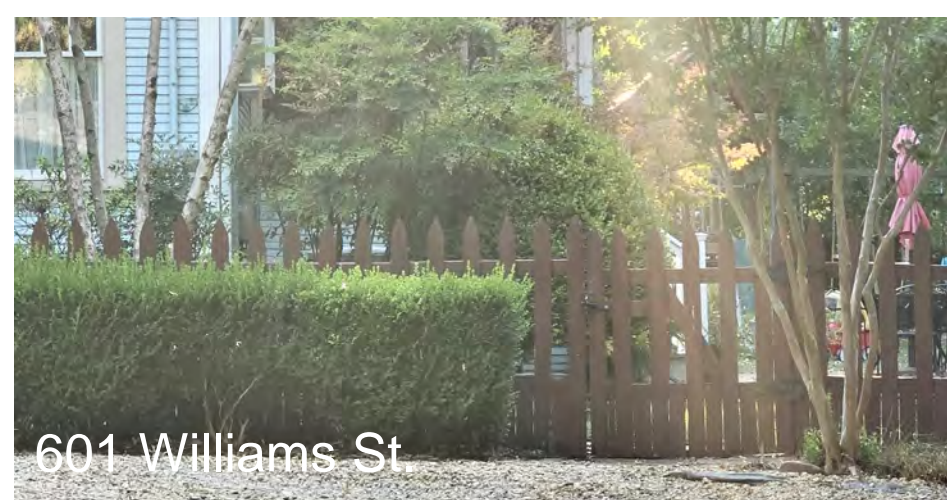
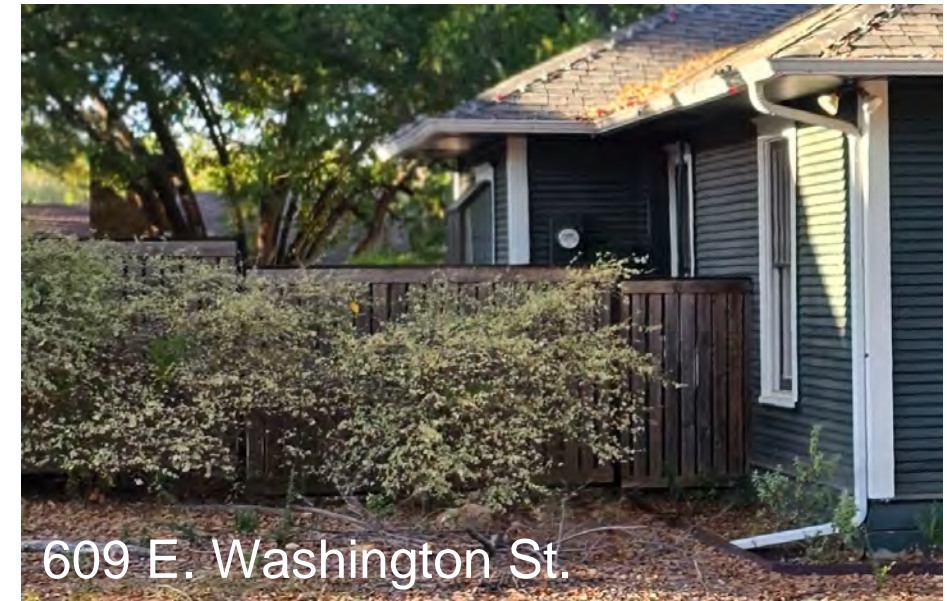
### OWNER & APPLICANT STATEMENT [ORIGINAL SIGNATURES REQUIRED]

I ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. FURTHERMORE, I UNDERSTAND THAT IT IS NECESSARY FOR ME OR A REPRESENTATIVE TO BE PRESENT AT A PUBLIC HEARING FOR THIS CASE TO BE APPROVED.

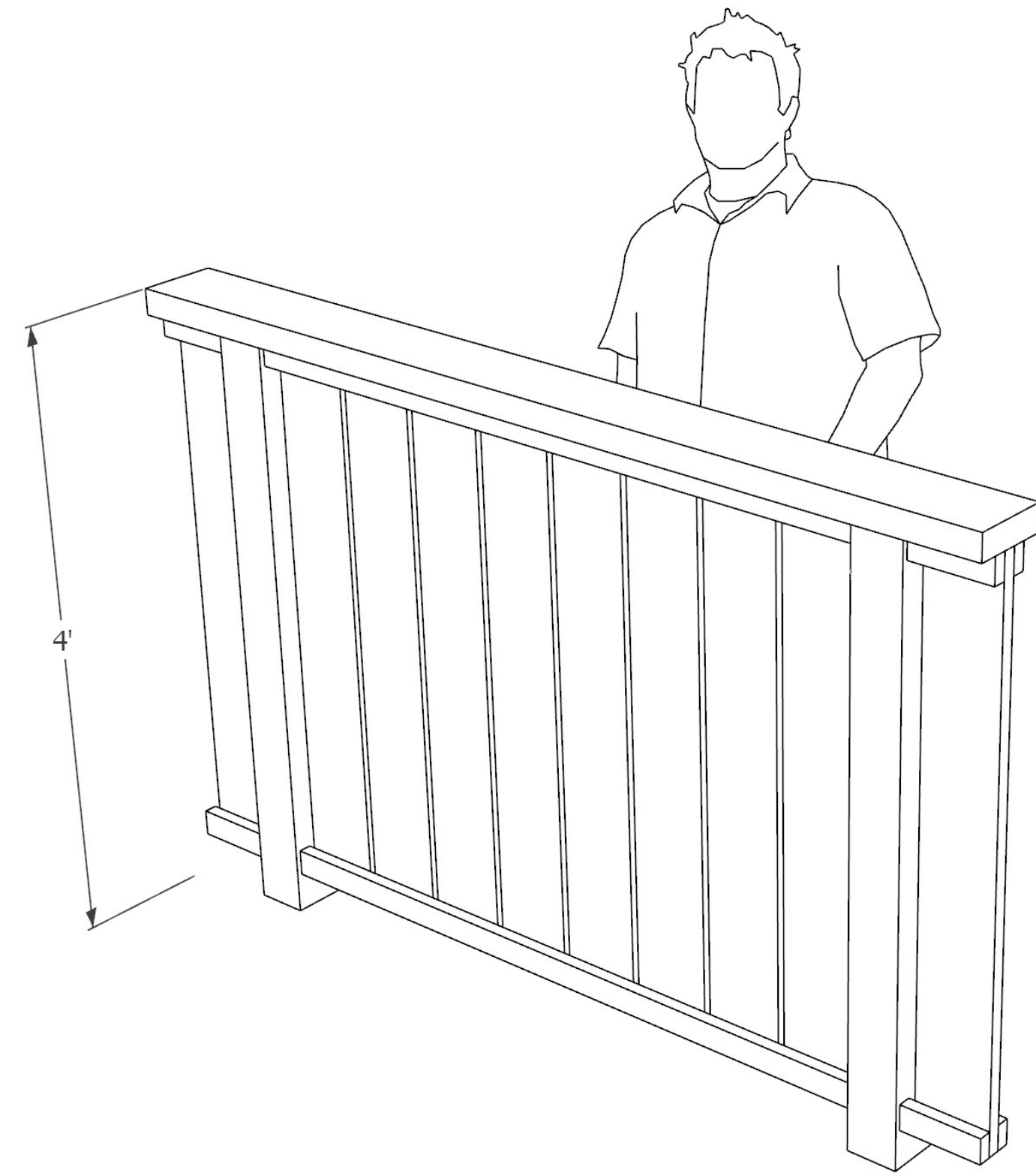
OWNER'S SIGNATURE

APPLICANT'S SIGNATURE

**HISTORIC DOWNTOWN  
WOOD FENCE PRECEDENT**

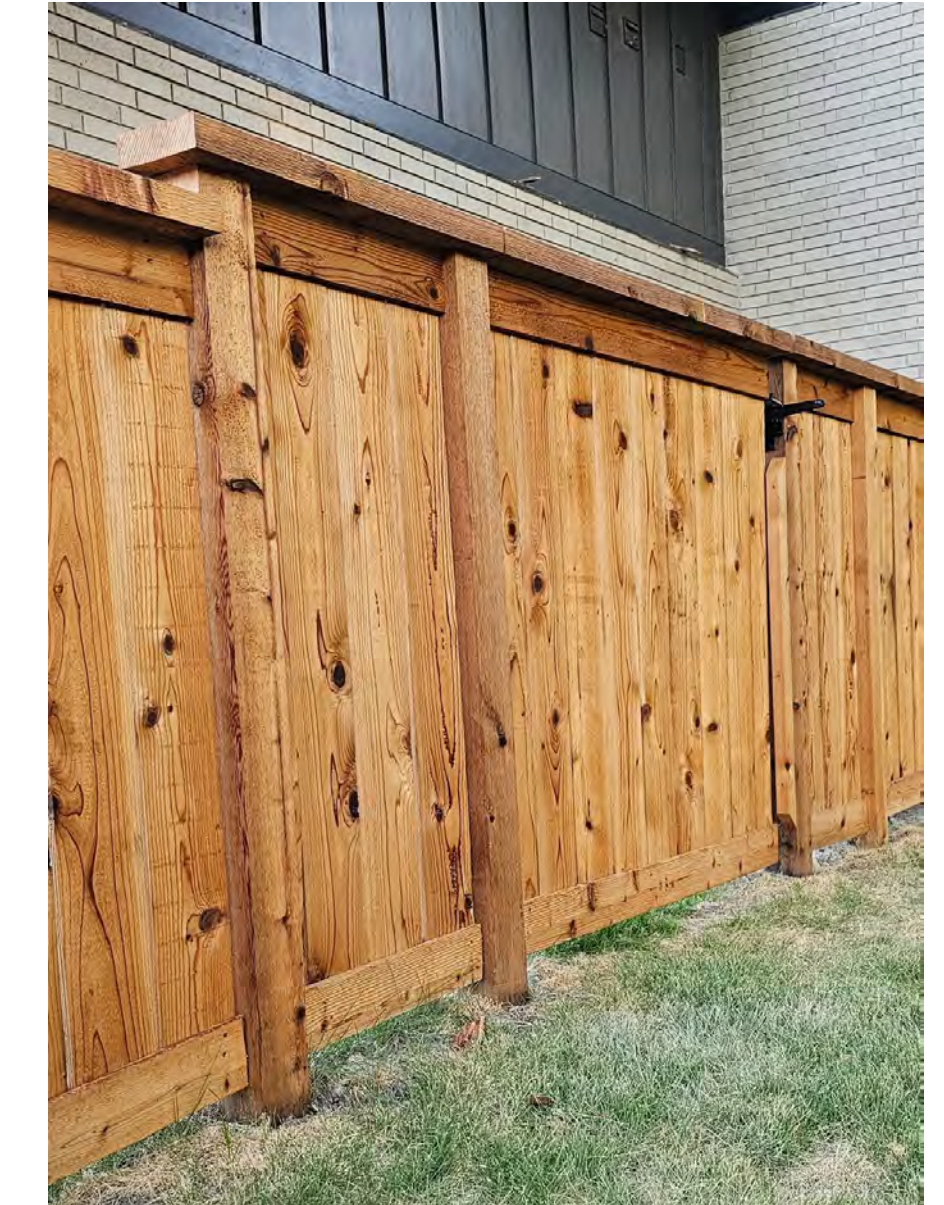
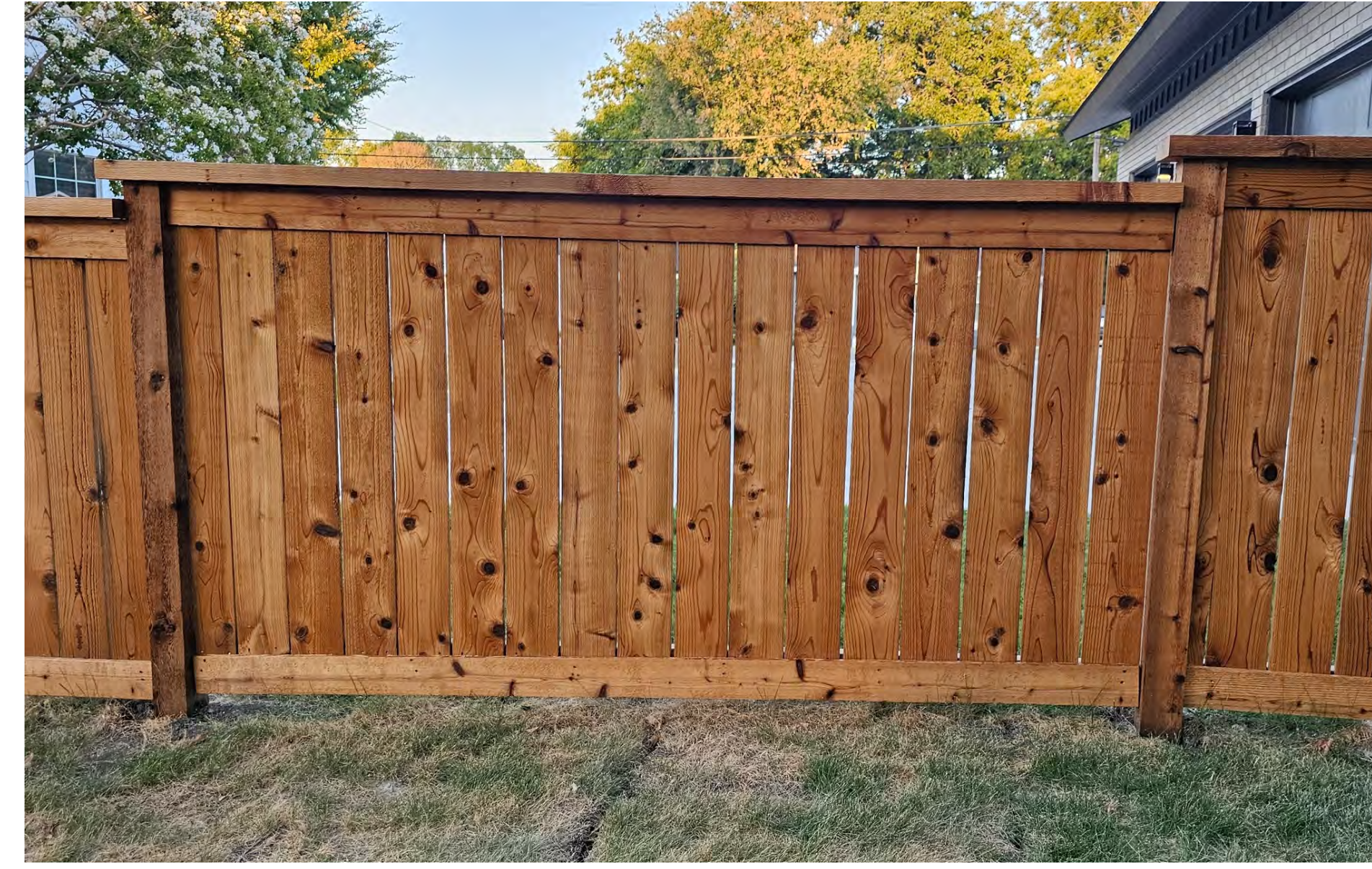


**FENCE AS PROPOSED**



Fence Design:  
4'-0" High cedar wood fence in a Craftsman design to match the architecture of the home, and with the intention of being compatible with the nature of the Downtown Rockwall Historic District.

**FENCE AS PERMITTED AND CURRENTLY CONSTRUCTED**



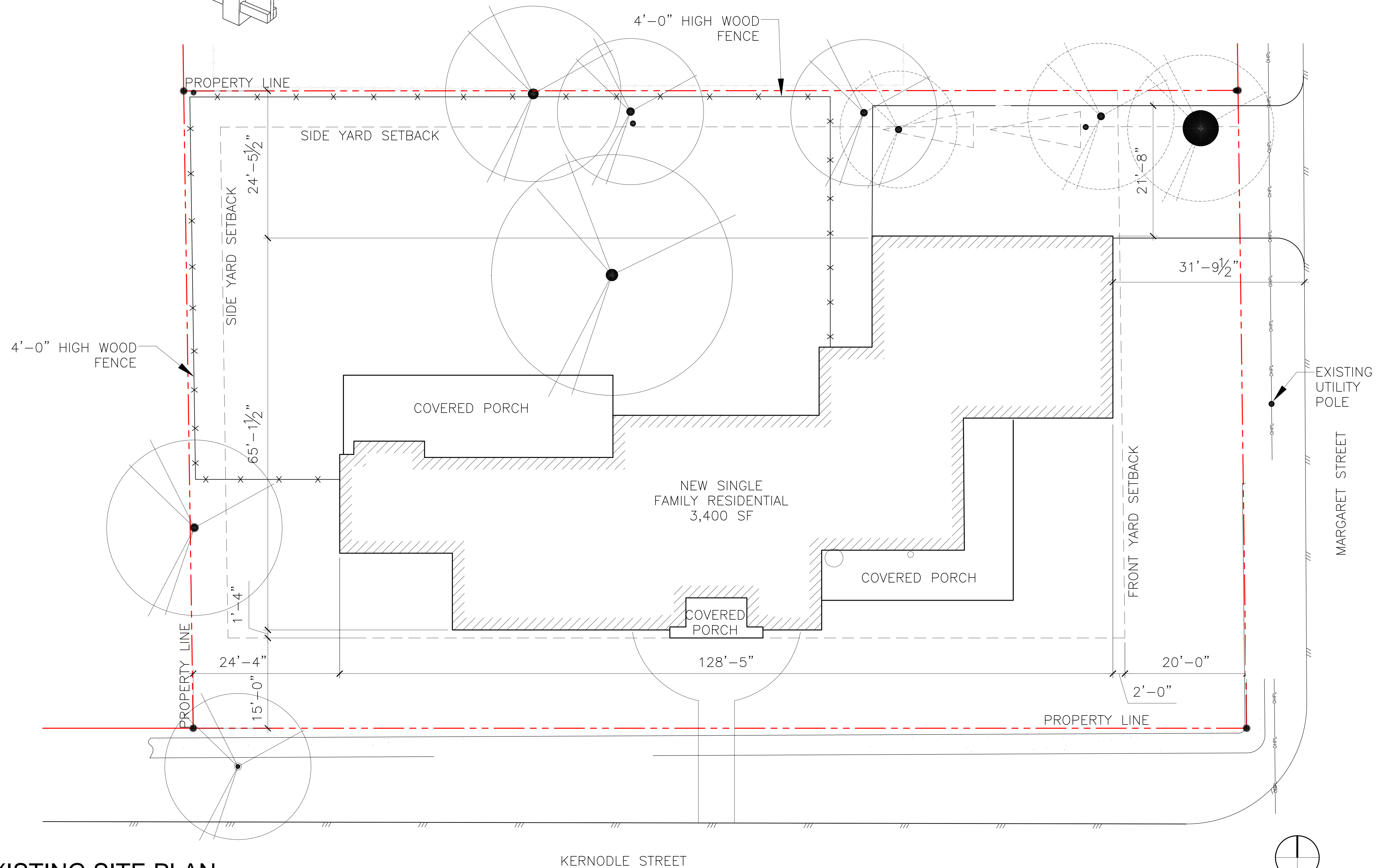
**ZONING:**

**SINGLE FAMILY SF-7**

- REQ.: MIN LOT AREA - 7,000 SF  
PROVIDED: 18,545 SF
- REQ.: MIN SF/DWELLING UNIT - 1,100 SF  
PROVIDED: 3,700 SF
- REQ.: MIN FRONT YARD SETBACK - 20 FT  
(AT MARGARET ST.)  
AS DESIGNED: 20FT
- REQ.: MIN FRONT YARD SETBACK - 15 FT  
(AT KERNODLE ST. PER ORDER # BOA 2015-1-V)  
AS DESIGNED: 15 FT
- REQ.: MIN DEPTH OF REAR YARD SETBACK - 10 FT  
AS DESIGNED: NO REAR YARD PER UDC ARTICLE 5  
SECTION 1.3 "LOTS WITH MULTIPLE FRONTAGES"
- REQ.: MIN DEPTH OF SIDE YARD SETBACK - 6 FT  
AS DESIGNED: 6 FT
- REQ.: MIN LENGTH OF DRIVEWAY PAVEMENT FROM PUBLIC  
RIGHT-OF-WAY FOR REAR AND SIDE YARD - 20 FT  
AS DESIGNED: 31'-9 1/2"
- REQ.: MAX BUILDING COVERAGE AS A PERCENTAGE OF LOT  
AREA - 45%  
AS DESIGNED: TOTAL BLDG AREA - 5,773 SF  
TOTAL SITE AREA - 18,545 SF  
5,773 / 18,545 = 0.31 = 31% COVERAGE
- REQ.: MAX BLDG HEIGHT - 32 FT  
AS DESIGNED: 24'-4 1/2"
- REQ.: MIN PAVED OFF-STREET PARKING ONE SINGLE FAMILY  
DWELLING UNIT - 2  
AS DESIGNED: 2 PROVIDED

**HISTORY OVERLAY (HO) DISTRICT**

CERTIFICATE OF APPROPRIATENESS APPROVED BY THE  
HISTORIC PRESERVATION ADVISORY BOARD ON 01.19.2015  
AS ITEM H2015-003



**EXISTING SITE PLAN**

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

**NOT FOR REGULATORY  
APPROVAL, PERMIT, OR  
CONSTRUCTION.**  
Jonathan Brown, AIA  
Registered Architect of the State of  
TEXAS  
Registration Number:  
21886

601  
**PROZEMK**

Issue: Date  
HPAB FENCE REVIEW 08.29.23

© 2021 Jonathan Brown, AIA  
All Rights Reserved.  
All materials embodied herein constitute an  
original work by the Architect; the Architect  
owns all copyrights herein. The viewer may  
not reproduce, display or distribute this work  
or prepare derivative works based on this  
work without the express written consent of  
the copyright owner.

Revision	Date
△	
△	
△	
△	

**A101**

**JR Brown Architect**



# 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:** September 21, 2023  
**APPLICANT:** Johnathan Brown  
**CASE NUMBER:** H2023-012; *Certificate of Appropriateness (COA) for a Fence at 601 Kernodle Street*

---

### SUMMARY

Hold a public hearing to discuss and consider a request by Johnathan Brown for the approval of a Certificate of Appropriateness (COA) for a fence on a *Non-Contributing Property* being a 0.43-acre tract of land identified as a portion of Lot B, Block 3, F&M 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 601 Kernodle Street, and take any action necessary.

### BACKGROUND

The subject property was annexed prior to 1911 based on the May 16, 1911 Sanborn Map. At some point prior to May 16, 1911, the subject property was platted with the F & M Addition, and is currently identified as a portion of Lot 3, Block B, F & M Addition. According to the City's historic zoning maps, the subject property was zoned Single-Family 3 (SF-3) District as of January 3, 1972. This designation changed between January 4, 1972 and May 15, 1983 to a Single-Family 7 (SF-7) District based on the May 16, 1983 zoning map. On January 8, 2015, the Board of Adjustment passed an order to approve a variance [Case No. BOA 2015-1-V] in order to reduce the front yard building setback from 20-feet to 15-feet for the purpose of allowing a single-family home to be constructed on the subject property. On February 19, 2015, the Historic Advisory Preservation Board (HPAB) approved a Certificate of Appropriateness (COA) [Case No. H2015-003] to allow for the construction of a single-family home on the subject property, which is a *Non-Contributing Property* situated within the Old Town Rockwall (OTR) Historic District. On December 6, 2021, the City Council adopted *Ordinance No. 21-54 (S-261)* granting a Specific Use Permit (SUP) for *Residential Infill in an Established Subdivision* to allow the construction of a single-family home on the subject property. Following this approval, the applicant applied for and received a building permit (*Permit No. RES2021-6430*) to construct a 5,670 SF single-family home on the subject property. This permit received final approval after the construction of the single-family home February 3, 2023.

More recently, the applicant -- *Johnathan Brown* -- engaged staff requesting to construct a four (4) foot solid cedar fence that would have wooden posts. At the time, staff reviewed the request and erroneously determined that it did not require a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board (HPAB), but that it would require an *Exception* from the Planning and Zoning Commission. This determination was predicated on the requirements outlined in Subsection 08.03(B) of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), which states, "(a)ll solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel." The applicant submitted this request (Case No. MIS2023-002) on January 20, 2023. At the Planning and Zoning Commission meeting on January 31, 2023 the Planning and Zoning Commission reviewed the request and voted 5-1 to approve the request with Commissioner Conway dissenting and Commissioner Womble absent. For the Historic Preservation Advisory Board's (HPAB's) review, staff has provided a copy of the packet that was provided to the Planning and Zoning Commission at the January 31, 2023 meeting in the attachments for this case. Following this approval, the applicant submitted a fence permit (*Permit No. RES2023-1106*) for the proposed fence. This was issued on May 9, 2023, and the fence was constructed by the applicant.

On August 23, 2023, staff received an email from an adjacent property owner inquiring as to why the fence did not require a Certificate of Appropriateness (COA). Staff responded to the property owner stating that the fence did not require a Certificate of Appropriateness (COA) because the *Historic Guidelines* contained in Appendix D of the Unified Development Code (UDC)

state "... (a) fence in the front, side, or rear yards should meet all applicable city codes. Most fences require only a fence permit; however, a fence requiring a building permit will also be reviewed and approved by the board. Any 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." At the time, staff was under the impression that this fence -- *only requiring a fence permit and not a building permit* -- did not require a Certificate of Appropriateness (COA); however, the property owner requesting the information pointed out in a subsequent email that Subsection 06.01(C), *Permits*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) specifically states that "(n)o building or fence permits shall be issued for site improvement or other construction until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB)." Based on this, staff contacted Mr. Brown and requested that he submit a Certificate of Appropriateness (COA) for the existing fence. For the Historic Preservation Advisory Board's (HPAB's) review, staff has provided a redacted copy of the correspondence with the adjacent property owner.

## **PURPOSE**

The applicant -- *Johnathan Brown* -- is requesting approval of a Certificate of Appropriateness (COA) for an existing fence that was permitted in error by the City of Rockwall.

## **ADJACENT LAND USES AND ACCESS**

The subject property is located at 601 Kernodle Street. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are six (6) parcels of land (*i.e. 607, 703, 705, 803, 805, & 807 Kernodle Street*) that are developed with single-family homes and zoned Single-Family 7 (SF-7) District. Beyond this is Heath Street, which is classified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan.

East: Directly east of the subject property is Kernodle Street, which is classified as a R2U (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. Beyond this there are multiple single-family residential lots zoned Single-Family 7 (SF-7) District. These properties are mostly developed with single-family homes. Beyond this is Austin Street, which is classified as a R2 (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property is Margaret Street, which is classified as a R2U (*i.e. residential, two [2] lane, undivided roadway*) on the Master Thoroughfare Plan contained within the OURHometown Vision 2040 Comprehensive Plan. This is followed by multiple single-family residential lots zoned Single-Family 7 (SF-7) District. These properties are mostly developed with single-family homes. Beyond this is Williams Street, which is classified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is N. Fannin Street, which is identified as a *Minor Collector* on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are multiple single-family residential lots zoned Single-Family 7 (SF-7) District. These properties are mostly developed with single-family homes.

## **CHARACTERISTICS OF THE PROJECT**

The applicant -- *Johnathan Brown* -- recently constructed a four (4) foot solid cedar fence with wood posts. The fence is situated in the rear yard of the subject, approximately 41-feet from the property line adjacent to Kernodle Street and approximately 68-feet from the property line adjacent to Margaret Street. Staff should reiterate that the fence was permitted (*Permit No. RES2023-1106*) and approved by the City of Rockwall; however, staff has determined that the proposed fence will require a Certificate of Appropriateness (COA) and does require approval from the Historic Preservation Advisory Board (HPAB).

## **CONFORMANCE TO THE HISTORIC DISTRICT GUIDELINES & CITY'S CODES**

According to Subsection 06.03(F), *Certificate of Appropriateness (COA) for Alteration or New Construction*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC), "(t)he provisions of this ordinance [*Historic Overlay (HOV) District*] shall apply only to those properties ... which meet the following criteria: [1] either be a designated historical landmark or be wholly or partially located within a designated historic district, and [2] either be a contributing property as defined by *Subsection B* or be located within 200-feet of a contributing property." In this case, the subject property meets the criteria for a property that would require a Certificate of Appropriateness (COA). Specifically, it is situated wholly within the Old Town Rockwall (OTR) Historic District, and is within 200-feet of seven (7) contributing properties (*i.e. 301, 302, & 303 Margaret Street; 601 N. Fannin Street; and 501, 502, & 602 Kernodle Street*). In addition, Subsection 06.01(C), *Permits*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) states "... (n)o building or fence permits shall be issued for site improvement or other construction until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB)." In this case, the applicant's fence required a *Fence Permit*, which would require a Certificate of Appropriateness (COA) from the Historic Preservation Advisory Board.

According to Section 07(H), *Fences*, 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. Most fences require only a fence permit; however, a fence requiring a building permit will also be reviewed and approved by the board. Any 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 addition, Subsection 08.03(B) of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) states, "(a)ll solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of ½-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel." In this case, the existing fence meets all of the requirements for a solid wood fence, however it does not meet the height or material requirements. Specifically, it is four (4) feet in height (*i.e. two [2] feet less than permitted*) and has wooden posts as opposed to metal posts. The applicant has indicated to staff that they are making this request because the home is located in the Old Town Rockwall (OTR) Historic District and that they believe the fence height and materials is more indicative of a historic home. Staff should note that many of the adjacent properties have four (4) foot fencing; however, they are picket fences and not solid fences. With that being said, the applicant's request does not appear to negatively impact the adjacent properties and would not change the essential character of the neighborhood. Staff should also reiterate that the Planning and Zoning Commission reviewed this request as an *Exception* to the height and material requirements for a fence and approved the request finding that it was in character with the existing neighborhood.

## **NOTIFICATIONS**

On September 7, 2023, staff mailed 24 property owner notifications to all property owners and occupants within 200-feet of the subject property. At the time this case memo was prepared, staff had not received any notices returned regarding the applicant's request.

## **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) 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.



# HISTORIC PRESERVATION ADVISORY BOARD APPLICATION

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

### STAFF USE ONLY

CASE NUMBER: \_\_\_\_\_

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

DIRECTOR OF PLANNING: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

#### APPLICATION:

- CERTIFICATE OF APPROPRIATENESS (COA)
- LOCAL LANDMARK EVALUATION & DESIGNATION
- BUILDING PERMIT WAIVER & REDUCTION PROGRAM
- SMALL MATCHING GRANT APPLICATION

#### SPECIAL DISTRICTS [SELECT APPLICABLE]:

- OLD TOWN ROCKWALL HISTORIC (OTR) DISTRICT
- PLANNED DEVELOPMENT DISTRICT 50 (PD-50)
- SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY (SRO) DISTRICT
- DOWNTOWN (DT) DISTRICT

#### CONTRIBUTING STATUS [SELECT APPLICABLE]:

- LANDMARKED PROPERTY
- HIGH CONTRIBUTING PROPERTY
- MEDIUM CONTRIBUTING PROPERTY
- LOW CONTRIBUTING PROPERTY
- NON-CONTRIBUTING PROPERTY

#### CURRENT LAND USE OF THE SUBJECT PROPERTY:

- RESIDENTIAL
- COMMERCIAL

### PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **601 Kernodle St. Rockwall, TX 75087**

SUBDIVISION \_\_\_\_\_

LOT \_\_\_\_\_

BLOCK \_\_\_\_\_

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

IS THE OWNER OF THE PROPERTY THE PRIMARY CONTACT?  YES  NO

APPLICANT(S) IS/ARE:  OWNER  TENANT  NON-PROFIT  RESIDENT

CHECK THIS BOX IF OWNER AND APPLICANT ARE THE SAME.

OTHER, SPECIFY: \_\_\_\_\_

OWNER(S) NAME **Jonathan Brown**

APPLICANT(S) NAME \_\_\_\_\_

ADDRESS **601 Kernodle St.**

ADDRESS \_\_\_\_\_

**Rockwall, TX 75087**

PHONE **214-363-5687**

PHONE \_\_\_\_\_

E-MAIL **jbrown@jhparch.com**

E-MAIL \_\_\_\_\_

### SCOPE OF WORK/REASON FOR EVALUATION REQUEST [PLEASE PRINT]

CONSTRUCTION TYPE [CHECK ONE]:  EXTERIOR ALTERATION  NEW CONSTRUCTION  ADDITION  DEMOLITION  
 RELOCATIONS  OTHER, SPECIFY: **Backyard Fence**

ESTIMATED COST OF CONSTRUCTION/DEMOLITION OF THE PROJECT (IF APPLICABLE): **\$ 10,000**

**PROJECT DESCRIPTION.** IN THE SPACE PROVIDED BELOW OR ON A SEPARATE SHEET OF PAPER, DESCRIBE IN DETAIL THE WORK THAT WILL BE PERFORMED ON SITE. FOR LOCAL LANDMARK EVALUATION & DESIGNATION REQUESTS INDICATE ANY ADDITIONAL INFORMATION YOU MAY HAVE CONCERNING THE PROPERTY, HISTORY, SIGNIFICANCE, PRESENT CONDITIONS, STATUS, CURRENT OR PAST USE(S), ETC. STAFF RECOMMENDS THAT PHOTOGRAPHS OF THE INTERIOR AND EXTERIOR OF THE PROPERTY ARE SUBMITTED WITH THIS APPLICATION.

**We are proposing a 4' high stained wood cedar fence in a craftsman style to enclose just the backyard of the home.**

### OWNER & APPLICANT STATEMENT [ORIGINAL SIGNATURES REQUIRED]

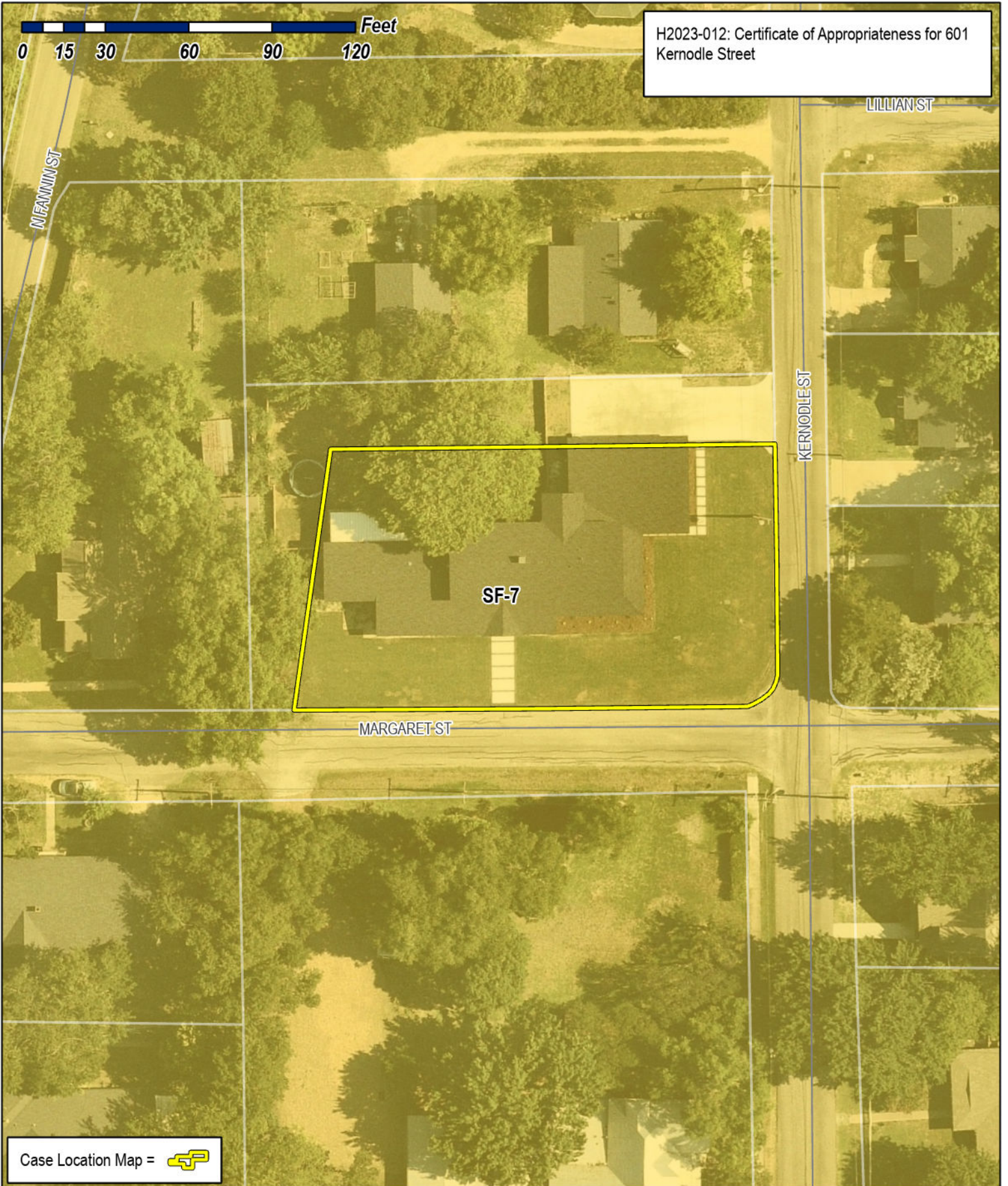
I ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. FURTHERMORE, I UNDERSTAND THAT IT IS NECESSARY FOR ME OR A REPRESENTATIVE TO BE PRESENT AT A PUBLIC HEARING FOR THIS CASE TO BE APPROVED.

OWNER'S SIGNATURE

APPLICANT'S SIGNATURE



H2023-012: Certificate of Appropriateness for 601 Kernodle Street



SF-7

MARGARET ST

KERNODLE ST

LILLIAN ST

NEANNIN ST

Case Location Map = 



# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(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.



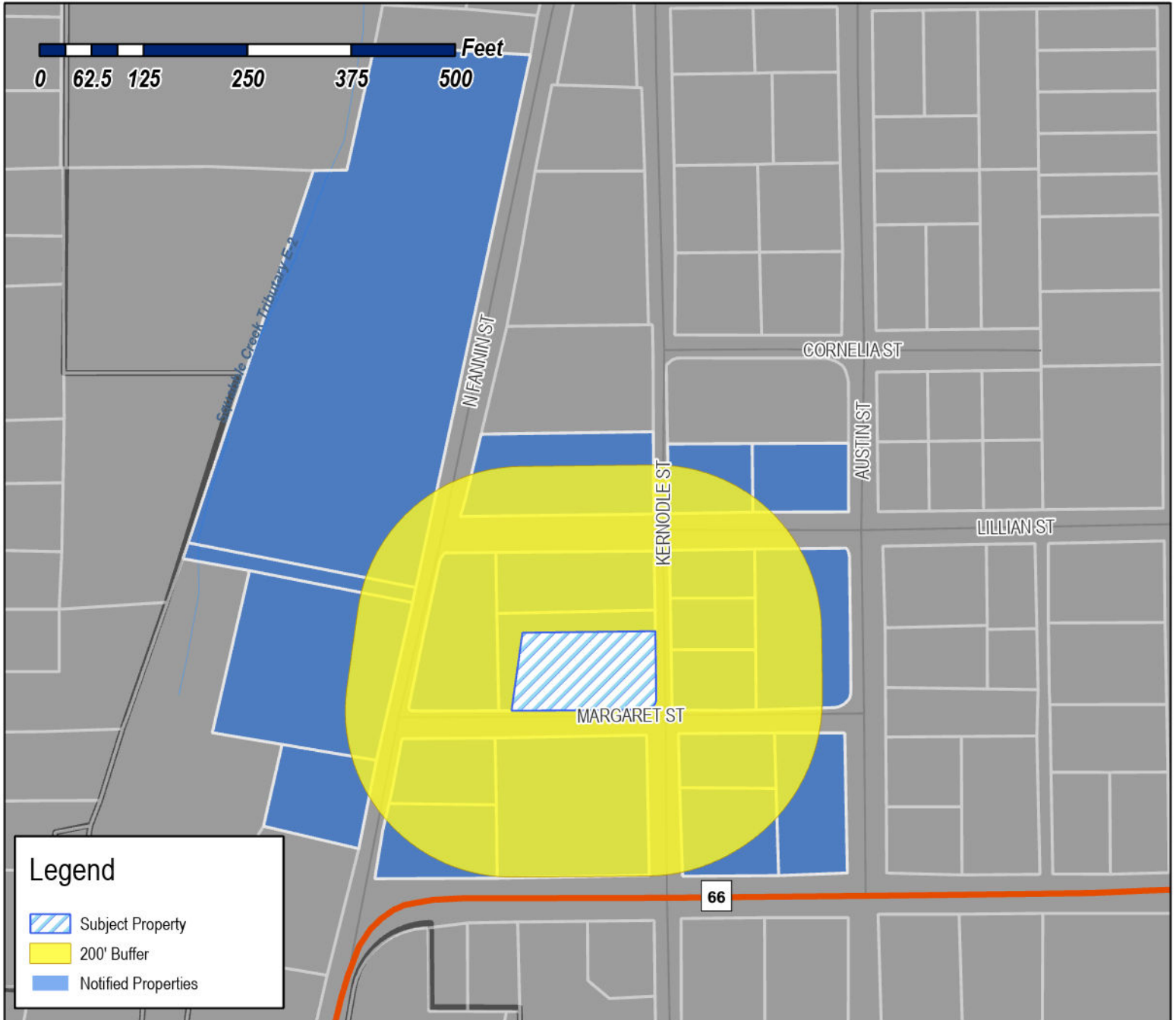




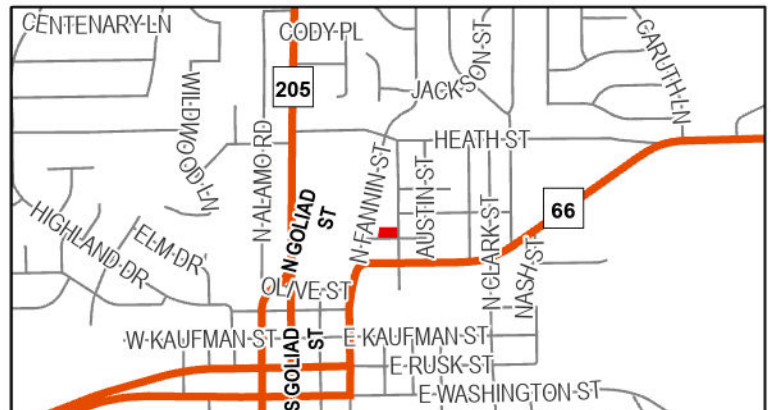
# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(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.



**Case Number:** H2023-012  
**Case Name:** COA for 601 Kernodle Street  
**Case Type:** Historic  
**Zoning:** Single-Family 7 (SF-7) District  
**Case Address:** 601 Kernodle Street



**Date Saved:** 8/29/2023

For Questions on this Case Call: (972) 771-7746

PRYOR MICA  
1036 SIGNAL RIDGE PLACE  
ROCKWALL, TX 75032

KINSEY TARI L AND DONALD H  
2 MANOR CT  
HEATH, TX 75032

ORTAMOND DONALD J & JANA R  
301 MARGARET ST  
ROCKWALL, TX 75087

LOFTUS GERALDINE J  
302 E MARGARET ST  
ROCKWALL, TX 75087

ADAMS-ROMANO KEVIN PATRICK & JULLIAN  
ROSE  
303 WILLIAMS ST  
ROCKWALL, TX 75087

RESIDENT  
501 AUSTIN ST  
ROCKWALL, TX 75087

RESIDENT  
501 KERNODLE  
ROCKWALL, TX 75087

HERNANDEZ BLAS MEJIA AND ANA K  
502 KERNODLE STREET  
ROCKWALL, TX 75087

SEREGOW JAMES AND KATHLEEN  
503 N FANNIN ST  
ROCKWALL, TX 75087

SUMBLIN BEN III ESTATE OF  
504 PRESIDIO DR  
ROCKWALL, TX 75087

SMITH ALAN E & JUDY ROPER SMITH  
506 KERNODLE ST  
ROCKWALL, TX 75087

JENNIFER'S HOMES INC  
519 E INTERSTATE 30  
ROCKWALL, TX 75087

FANG PROPERTIES LLC  
536 LOMA VISTA  
HEATH, TX 75032

RESIDENT  
601 KERNODLE ST  
ROCKWALL, TX 75087

HALL DOUGLAS A & MARCI  
601 N FANNIN ST  
ROCKWALL, TX 75087

GASKIN STEVE AND  
602 KERNODLE STREET  
ROCKWALL, TX 75087

LOFLAND JANA J  
603 AUSTIN ST  
ROCKWALL, TX 75087

FUNK TED FREDRICK AND REBECCA LYNN  
604 KERNODLE  
ROCKWALL, TX 75087

RESIDENT  
606 KERNODLE ST  
ROCKWALL, TX 75087

MULLINS CHRISTOPHER CHARLES AND ARYN  
ELISE  
607 KERNODLE ST  
ROCKWALL, TX 75087

MOONEY DAVID AARON  
701 AUSTIN ST  
ROCKWALL, TX 75087

RESIDENT  
702 KERNODLE ST  
ROCKWALL, TX 75087

TIBBETTS ELAINE  
703 KERNODLE ST  
ROCKWALL, TX 75087

BROWN JONATHAN R & CHRISTY A  
7814 KILLARNEY LANE  
ROWLETT, TX 75089

# PUBLIC NOTICE



CITY OF ROCKWALL  
PLANNING AND ZONING DEPARTMENT  
PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the Historic Preservation Advisory Board will consider the following application:

**Case No. H2023-012: Certificate of Appropriateness for 601 Kernodle Street**

*Hold a public hearing to discuss and consider a request by Johnathan Brown for the approval of a Certificate of Appropriateness (COA) for a fence on a Non-Contributing Property being a 0.43-acre tract of land identified as a portion of Lot B, Block 3, F&M 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 601 Kernodle Street, and take any action necessary.*

For the purpose of considering the effects of such a request, the Historic Preservation Advisory Board (HPAB) will hold a public hearing on Thursday, September 21, 2023 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Ryan Miller**  
Rockwall Planning and Zoning Dept.  
385 S. Goliad Street  
Rockwall, TX 75087

You may also email your comments to the Planning Department at [planning@rockwall.com](mailto:planning@rockwall.com). If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Thursday, September 21, 2023 at 4:00 PM to ensure they are included in the information provided to the Historic Preservation Advisory Board (HPAB).

Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning

--- PLEASE RETURN THE BELOW FORM -----

**Case No. H2023-012: Certificate of Appropriateness for 601 Kernodle Street**

Please place a check mark on the appropriate line below:

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

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

Four horizontal grey bars for providing reasons for support or opposition.

Name:

Address:

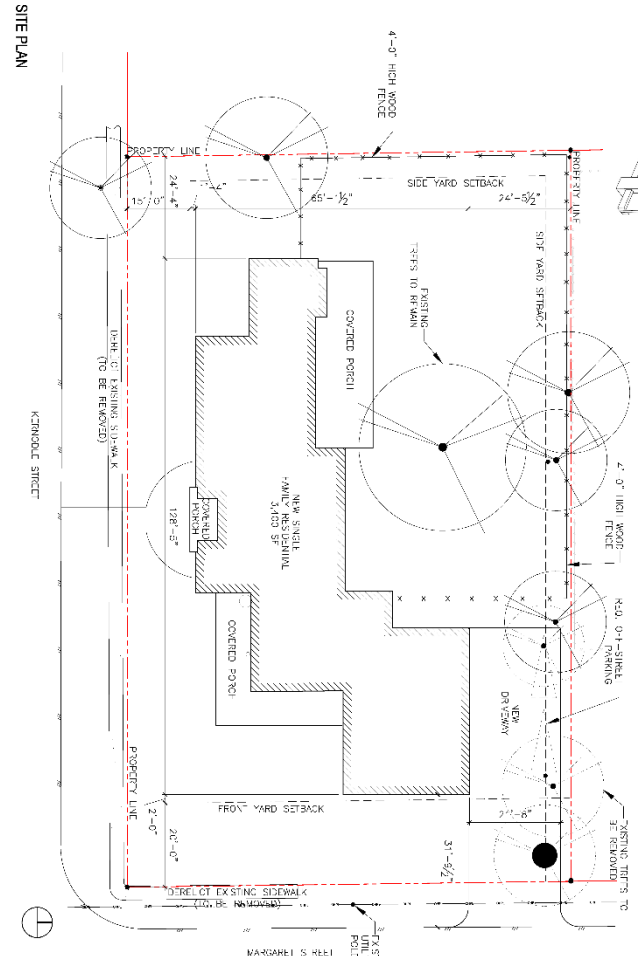
PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



**TO:** Planning and Zoning Commission  
**FROM:** Henry Lee, *Planner*  
**DATE:** January 31, 2023  
**SUBJECT:** MIS2023-002; *Exception for a Fence for 601 Kernodle Street*

The applicant, Jonathan Brown, is requesting the approval of an exception for a fence not meeting the requirements of the Unified Development Code (UDC). The subject property is located on a 0.45-acre parcel of land (*i.e. a portion of Lot 3, Block 3, F&M Addition*) addressed as 601 Kernodle Street. The applicant's site plan indicates that the fence will be: [1] constructed using cedar; [2] be 48-inches in height; and [3] be opaque.

According to 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, Subsection 08.03(B) of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) states, "(a)ll solid fencing shall be constructed utilizing standard cedar fencing materials (*spruce fencing is prohibited*) that are a minimum of 1/2-inch or greater in thickness. Fences shall be constructed a minimum of six (6) feet in height and a maximum of eight (8) feet in height. Posts, fasteners, and bolts shall be formed from hot dipped galvanized or stainless steel." In this case, the applicant is requesting a four (4) foot solid cedar fence that will have wooden posts. This fence meets the requirements for a solid fence, however it does not meet the height or material requirements. The applicant has indicated to staff that they are making this request because the home is located in the Old Town Rockwall (OTR) Historic District and that they believe the fence height and materials is more indicative of a historic home. Staff should note that many of the adjacent properties have four (4) foot fencing; however, they are picket fences and not solid fences. With that being said, the applicant's request does not appear to negatively impact the adjacent properties and would not change the essential character of the neighborhood. Decisions on fences that do not meeting the requirements of the Unified Development Code (UDC) are discretionary decisions for the Planning and Zoning Commission. Should the Planning and Zoning Commission have any questions concerning the applicant's request, staff will be available at the meeting on January 31, 2023.



**FIGURE 1: PROPOSED FRONT YARD FENCE LOCATION (HIGHLIGHTED LINE IS THE FENCE LOCATION)**



# 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 & 2</sup>
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) <sup>1</sup>

### OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) <sup>2</sup>

#### 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.  
<sup>2</sup>: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 601 KERNODUR ROCKWALL, TX 75087

SUBDIVISION \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_

GENERAL LOCATION \_\_\_\_\_

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

CURRENT ZONING SF-7 CURRENT USE \_\_\_\_\_

PROPOSED ZONING \_\_\_\_\_ PROPOSED USE \_\_\_\_\_

ACREAGE \_\_\_\_\_ LOTS [CURRENT] \_\_\_\_\_ LOTS [PROPOSED] \_\_\_\_\_

**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 JONATHAN BROWN  APPLICANT

CONTACT PERSON \_\_\_\_\_ CONTACT PERSON \_\_\_\_\_

ADDRESS 7814 KILLARNEY LANE ADDRESS \_\_\_\_\_

CITY, STATE & ZIP ROULETT TX 75087 CITY, STATE & ZIP \_\_\_\_\_

PHONE 214. 476. 2936 PHONE \_\_\_\_\_

E-MAIL JBROWN@JTPARCH.COM E-MAIL \_\_\_\_\_

## NOTARY VERIFICATION [REQUIRED]

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

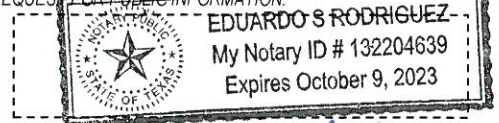
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 100.00 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 20th DAY OF January, 2023 BY SIGNING THIS APPLICATION, 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 20th DAY OF January, 2023

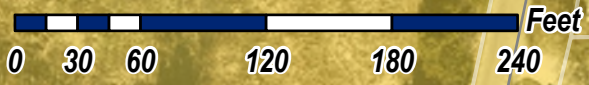
OWNER'S SIGNATURE [Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

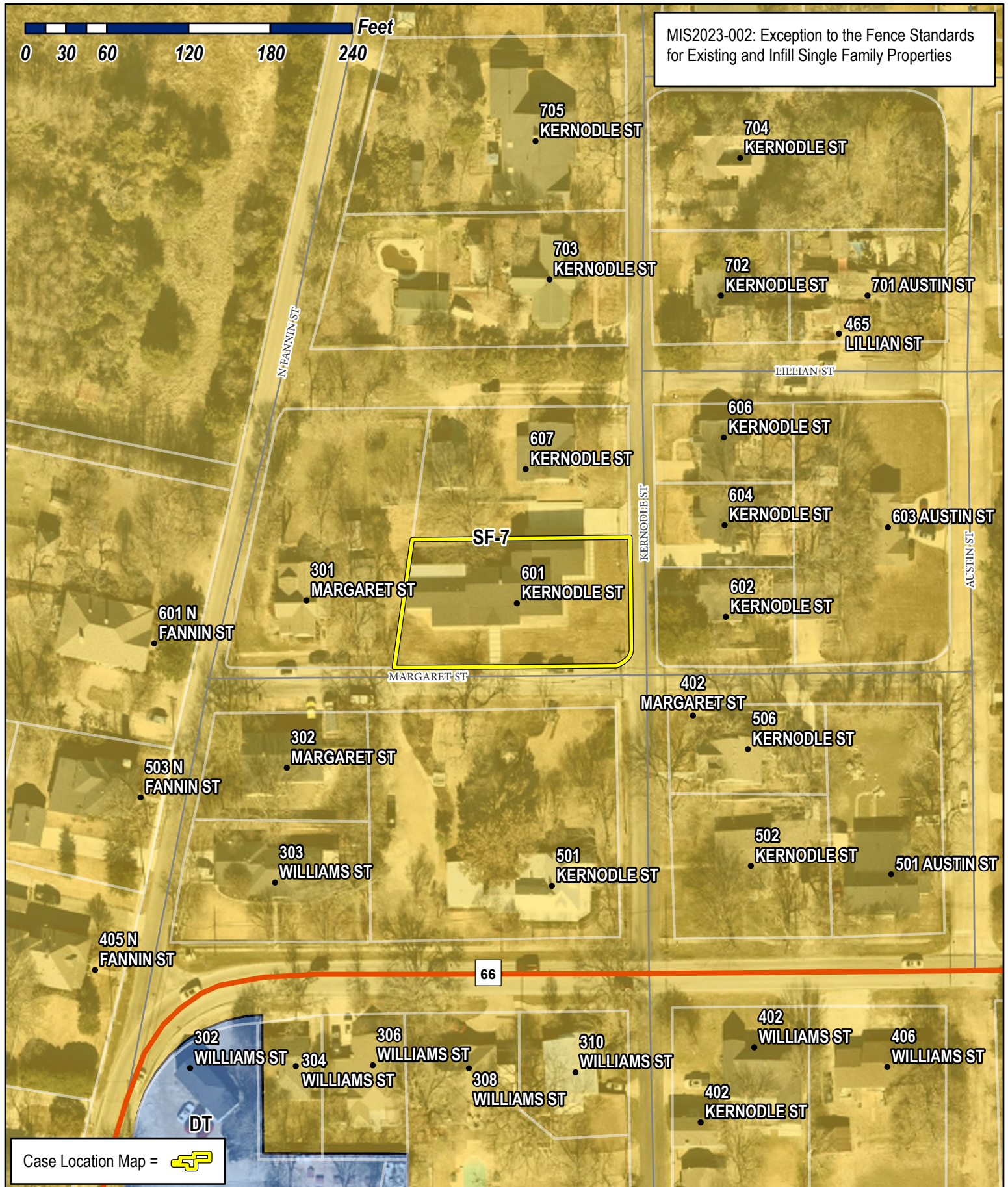
[Signature]



MY COMMISSION EXPIRES 10/9/2023



MIS2023-002: Exception to the Fence Standards for Existing and Infill Single Family Properties



Case Location Map =

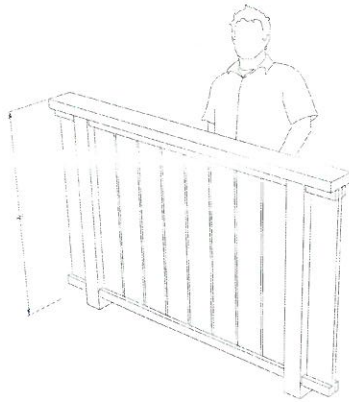


# City of Rockwall

Planning & Zoning Department  
 385 S. Goliad Street  
 Rockwall, Texas 75087  
 (P): (972) 771-7745  
 (W): www.rockwall.com

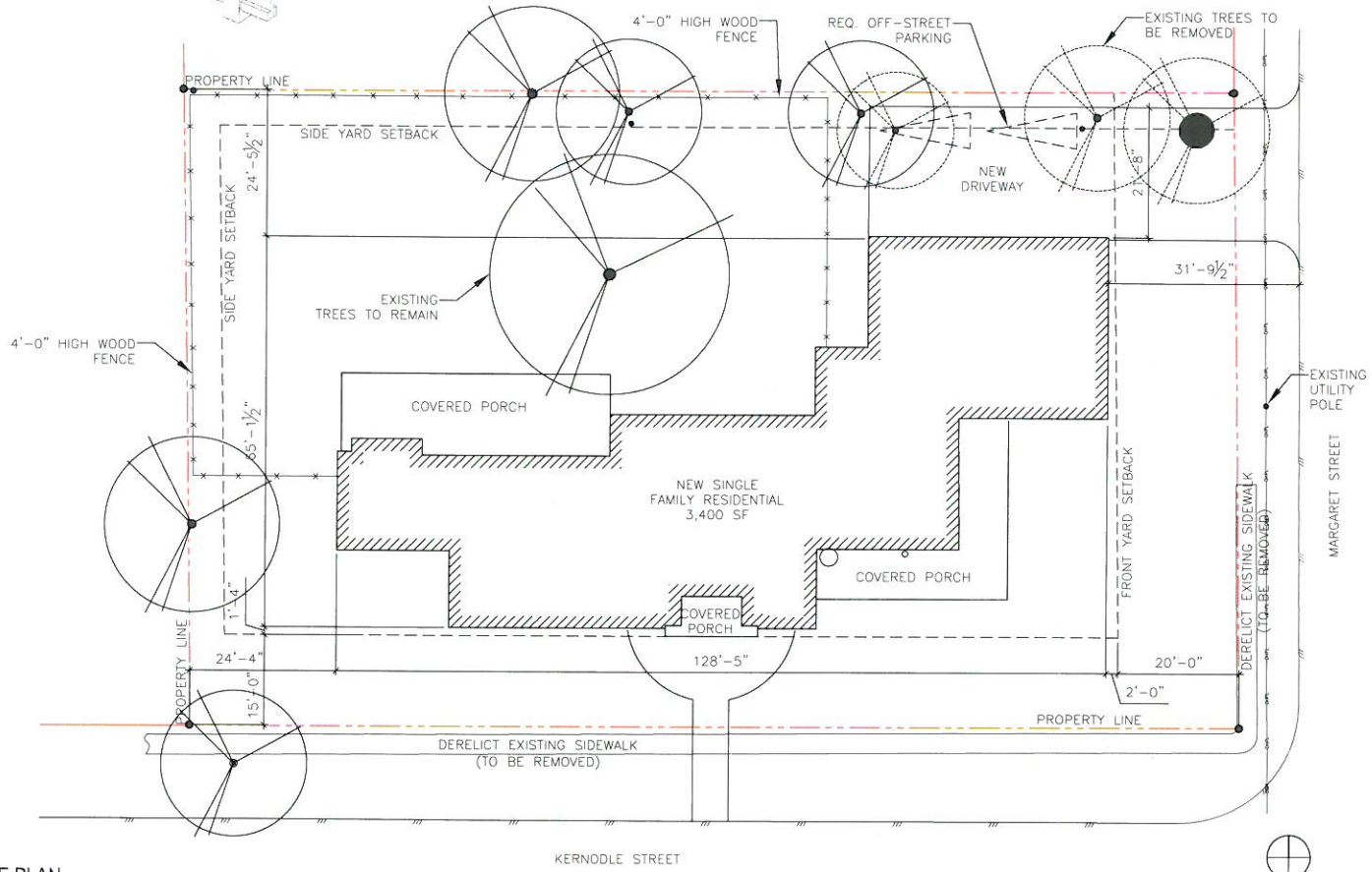
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and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





Fence Design:  
 4'-0" High cedar wood fence in a Craftsman design to match the architecture of the home, and with the intention of being compatible with the nature of the Downtown Rockwall Historic District.

**ZONING:**  
 SINGLE FAMILY SF-7  
 REQ. MIN LOT AREA - 7,000 SF  
 PROVIDED: 18,545 SF  
 REQ. MIN SF/DWELLING UNIT - 1,100 SF  
 PROVIDED: 5,773 SF  
 REQ. MIN FRONT YARD SETBACK - 20 FT  
 (AT MARGARET ST.)  
 AS DESIGNED: 20 FT  
 REQ. MIN FRONT YARD SETBACK - 15 FT  
 (AT KERNODLE ST PER ORDER # BOA 2015-1-V)  
 AS DESIGNED: 15 FT  
 REQ. MIN DEPTH OF REAR YARD SETBACK - 10 FT  
 AS DESIGNED: NO REAR YARD PER JOC ARTICLE 5, SECTION 1.3 "LOTS WITH MULTIPLE FRONTAGES"  
 REQ. MIN DEPTH OF SIDE YARD SETBACK - 8 FT  
 AS DESIGNED: 6 FT  
 REQ. MIN LENGTH OF DRIVEWAY PAVEMENT FROM PUBLIC RIGHT-OF-WAY FOR REAR AND SIDE YARD - 20 FT  
 AS DESIGNED: 31'-9 1/2"  
 REQ. MAX BUILDING COVERAGE AS A PERCENTAGE OF LOT AREA - 45%  
 AS DESIGNED: TOTAL BLDG AREA - 5,773 SF  
 TOTAL SITE AREA - 18,545 SF  
 5,773 / 18,545 = 0.31 = 31% COVERAGE  
 REQ. MAX BLDG HEIGHT - 32 FT  
 AS DESIGNED: 24'-4"  
 REQ. MIN PAVED OFF-STREET PARKING ONE SINGLE FAMILY DWELLING UNIT - 2  
 AS DESIGNED: 2 PROVIDED  
**HISTORY OVERLAY (HO) DISTRICT**  
 CERTIFICATE OF APPROPRIATENESS APPROVED BY THE HISTORIC PRESERVATION ADVISORY BOARD ON 01/19/2015 AS ITEM #0015-003



**SITE PLAN**  
 26 SCALE: 1/8" = 1'-0"

NOT FOR REGULATORY APPROVAL PERMIT, OR CONSTRUCTION:  
 Jonathan Brown, AIA  
 REGISTERED ARCHITECT OF THE STATE OF TEXAS  
 4908-0001-0001  
 71886

601  
**MPOZEMK**

Issue: Date:  
 P&Z Fence Review 01/20/2023  
 © 2021 Jonathan Brown, AIA  
 All rights reserved.  
 All materials are the property of Jonathan Brown, AIA. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Jonathan Brown, AIA. All other trademarks are the property of their respective owners.

Revision	Date
▲	
▲	
▲	
▲	
▲	

A101

**From:** [REDACTED]  
**To:** [Miller, Ryan](#)  
**Subject:** RE: MIS2023-002  
**Date:** Monday, August 28, 2023 3:44:06 PM

---

Mr. Miller,

Thank you for your prompt response and for taking the time to review the situation. I appreciate your acknowledgment of the error in issuing Mr. Brown's fence permit without a Certificate of Appropriateness (COA).

While I understand that you consider Mr. Brown's case to be an exception, it's my position that I've been treated unfairly and have suffered harm due to inconsistent practices. The rules were applied more stringently to my request, which involved a drive approach and the removal of an existing structure, than they were to Mr. Brown's fence project. This inconsistency has caused me not only financial harm but also a loss of time and resources.

Given the influence wielded by the Historic Preservation Advisory Board (HPAB) and the Planning & Zoning Division, I strongly urge the adoption of formal rules, as well as a policies and procedures manual. Operating without such guidelines leaves too much room for inconsistent and arbitrary decisions.

For the record, please note that my mailing address is [REDACTED]. I expect all future correspondence to be sent to this address.

Your commitment to remedy the situation with Mr. Brown is a step in the right direction. However, it doesn't negate the fact that I've been subjected to a different standard. I believe this warrants further discussion and perhaps a review of how the HPAB and the Planning & Zoning Division apply these rules moving forward.

Thank you again for your attention to this matter. I look forward to resolving this issue in a manner that is fair and consistent for all parties involved.

*Regards,*

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Miller, Ryan <RMiller@rockwall.com>  
**Sent:** Monday, August 28, 2023 2:46 PM  
[REDACTED]  
**Subject:** RE: MIS2023-002



... I apologize for not getting back to you sooner, I was out of the office last week. Thank you for bringing this to my attention. In researching your request, I reviewed the rationale that we have been using for requiring a Certificate of Appropriateness (COA) for fences. This is outlined in my previous email, and was based on the fact that the Guidelines appear to only require fences to get a COA when a building permit is needed. Since this fence only required a fence permit we allowed them to move forward to the Planning and Zoning Commission for an exception to the fence standards; however, under the section that you referenced in your email, Subsection 06.01(C), Permits, specifically states that "(n)o building or fence permits shall be issued for site improvement or other construction until a Certificate of Appropriateness (COA) has been approved by the Historic Preservation Advisory Board (HPAB)." Based on this we will be contacting Mr. Brown to go through the COA process, and this is considered to be a permit issued in error.

With your assertion that we applied the rules more stringently to your request, I would point out that Mr. Brown's case is the exception and not the rule. Furthermore, in the cases you submitted for the board's consideration you were requesting a drive approach and the removal of an existing structure, and not a fence. We work hard to apply our requirements as evenly as possible to all requests and there are numerous cases where we applied the rules and acted in the exact same manner as we did in your case. While we did error in issuing Mr. Brown's fence permit, please know that we will do everything in power to remedy this in the fashion required by the code. Once again, thank you for bringing this to my attention.



RYAN C. MILLER, AICP

DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF  
ROCKWALL

972.772.6441 OFFICE

[RMILLER@ROCKWALL.COM](mailto:RMILLER@ROCKWALL.COM)

385 S. GOLIAD STREET • ROCKWALL, TX 75087

---

[HELPFUL LINKS](#) | [CITY OF ROCKWALL WEBSITE](#) | [PLANNING & ZONING DIVISION WEBSITE](#) | [MUNICIPAL CODE WEBSITE](#)  
[GIS DIVISION WEBSITE](#) | [UNIFIED DEVELOPMENT CODE](#)

---

**NOTES:**

- 1) **APPOINTED AND ELECTED OFFICIALS:** BY REPLYING ALL TO THIS EMAIL YOU MAY BE IN VIOLATION OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO THE SENDER.
- 2) PLEASE NOTE THAT ANY CORRESPONDENCE SENT TO CITY STAFF MAY BECOME PUBLIC RECORD.

---

**Sent:** Wednesday, August 23, 2023 2:32 PM

**To:** Miller, Ryan <[RMiller@rockwall.com](mailto:RMiller@rockwall.com)>

**Subject:** RE: MIS2023-002

Mr. Miller,

I've carefully reviewed the Unified Development Code (UDC) for Rockwall, specifically the sections pertaining to the Certificate of Appropriateness (COA). According to the UDC, any exterior alteration within a historic district, including fences, requires a COA approved by the Historic Preservation Advisory Board (HPAB) (Page 190).

Given this clear requirement, I'm concerned about the apparent inconsistency in the application of these rules. In my case, the rules were applied stringently, while it seems that

Mr. Brown's project was allowed to proceed without a COA.

I kindly request clarification on why the rules were applied differently in these two cases. If there are specific exemptions or considerations that were applied to Mr. Brown's project, I would appreciate a detailed explanation.

Thank you for your attention to this matter. I look forward to your prompt response.

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Miller, Ryan <[RMiller@rockwall.com](mailto:RMiller@rockwall.com)>

**Sent:** Wednesday, August 23, 2023 2:20 PM

[REDACTED]

**Subject:** RE: MIS2023-002

[REDACTED] ... With regard to your request, the following is a history of approvals for this project followed by the requirements for fences in the Historic District. A Certificate of Appropriateness (COA) was granted for the home in 2015 (Case No. H2015-003). A subsequent case for Residential Infill in an Established Subdivision was approved by the City Council in 2021 (i.e. Z2021-043). With regard to the fence it did not require a Certificate of Appropriateness (COA). According to the Historic Guidelines contained in Appendix D of the Unified Development Code (UDC):

Fences. A fence in the front, side, or rear yards should meet all applicable city codes. Most fences require only a fence permit; however, a fence requiring a building permit will also be reviewed and approved by the board. Any 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 fence was a standard cedar fence that only required a Fence Permit, and had standard visibility from public right-of-way. In addition, it did not extend into any of the required yard setbacks for fences (i.e. it was behind the front façade of the home along both street frontages). With this being said, it did not meet the requirements for fences as stipulated by Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC). Specifically, it was shorter than what is allowed and incorporated wood posts as opposed to metal posts. This section of the zoning code is under the purview of the Planning and Zoning

Commission (not the Historic Preservation Advisory Board), which is why the applicant was required to submit an exception to the Planning and Zoning Commission in accordance with Section 08.03(B)(3), Special Exceptions, of the Unified Development Code (UDC). This was a discretionary approval for the Planning and Zoning Commission, and they approved the request on February 7, 2023. If you have any additional questions please let me know. Thanks.



RYAN C. MILLER, AICP  
DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF  
ROCKWALL  
972.772.6441 OFFICE  
[RMILLER@ROCKWALL.COM](mailto:RMILLER@ROCKWALL.COM)  
385 S. GOLIAD STREET • ROCKWALL, TX 75087

---

[HELPFUL LINKS](#) | [CITY OF ROCKWALL WEBSITE](#) | [PLANNING & ZONING DIVISION WEBSITE](#) | [MUNICIPAL CODE WEBSITE](#)  
[GIS DIVISION WEBSITE](#) | [UNIFIED DEVELOPMENT CODE](#)

---

NOTES:

- 3) APPOINTED AND ELECTED OFFICIALS: BY REPLYING ALL TO THIS EMAIL YOU MAY BE IN VIOLATION OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO THE SENDER.
- 4) PLEASE NOTE THAT ANY CORRESPONDENCE SENT TO CITY STAFF MAY BECOME PUBLIC RECORD.

---

[REDACTED]  
**Sent:** Wednesday, August 23, 2023 8:50 AM  
**To:** Miller, Ryan <[RMiller@rockwall.com](mailto:RMiller@rockwall.com)>  
**Subject:** Re: MIS2023-002

Yes. Where is the COA?

Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

On Aug 23, 2023, at 08:41, Miller, Ryan <[RMiller@rockwall.com](mailto:RMiller@rockwall.com)> wrote:

[REDACTED] ... Case No. MIS2023-002 was approved by the Planning and Zoning Commission on February 7, 2023. If you have any additional questions please let me know. Thanks.

RYAN C. MILLER, AICP  
DIRECTOR OF PLANNING & ZONING • PLANNING & ZONING DIVISION • CITY OF ROCKWALL  
972.772.6441 OFFICE  
[RMILLER@ROCKWALL.COM](mailto:RMILLER@ROCKWALL.COM)  
385 S. GOLIAD STREET • ROCKWALL, TX 75087

---

[REDACTED]

**Sent:** Monday, August 21, 2023 1:57 PM

**To:** Lee, Henry <[HLee@rockwall.com](mailto:HLee@rockwall.com)>

**Cc:** Planning <[planning@rockwall.com](mailto:planning@rockwall.com)>

**Subject:** MIS2023-002

What is the status of this request?

*Regards,*

[REDACTED]

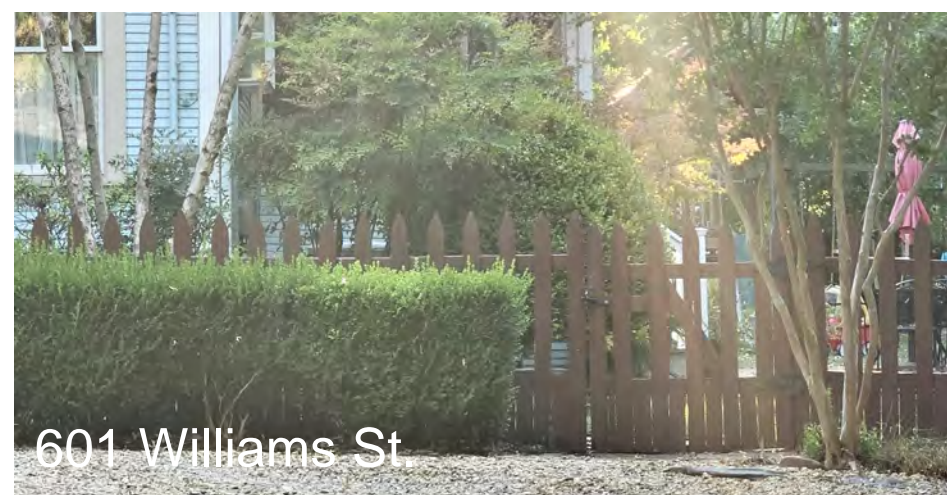
NOTICE: The information contained in this message is proprietary and/or confidential and may be privileged. If you are not the intended recipient of this communication, you are hereby notified to: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. This communication is not an offer to sell or a solicitation of any offer to buy any securities. Offers are made only by prospectus or other offering materials. To obtain further information, you must complete our investor questionnaire and meet the suitability standards required by law. My typed name in this e-mail is not my electronic signature nor is it the electronic signature of any of my clients.

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

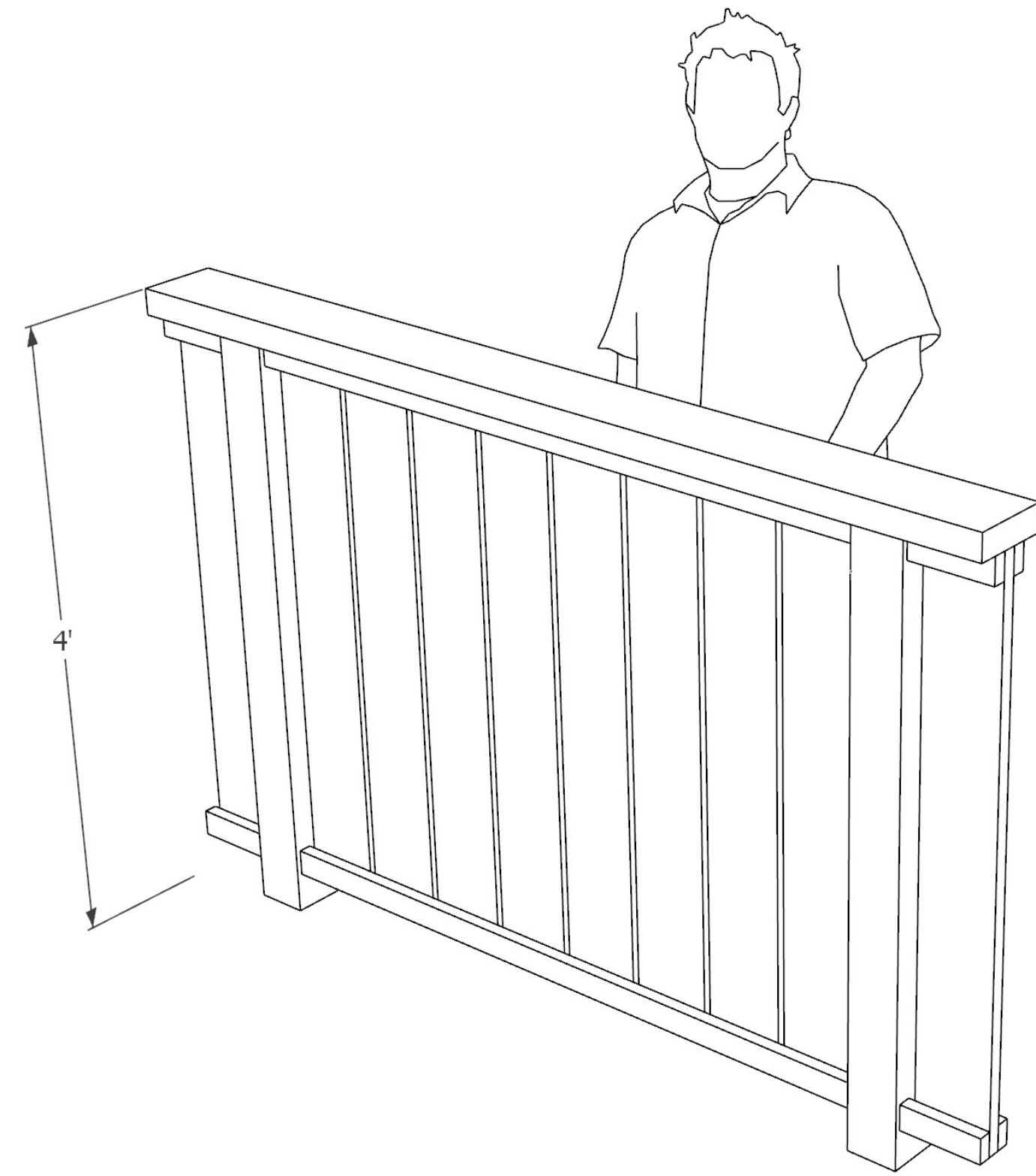
**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

NOTICE: The information contained in this message is proprietary and/or confidential and may be privileged. If you are not the intended recipient of this communication, you are hereby notified to: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately. This communication is not an offer to sell or a solicitation of any offer to buy any securities. Offers are made only by prospectus or other offering materials. To obtain further information, you must complete our investor questionnaire and meet the

**HISTORIC DOWNTOWN  
WOOD FENCE PRECEDENT**

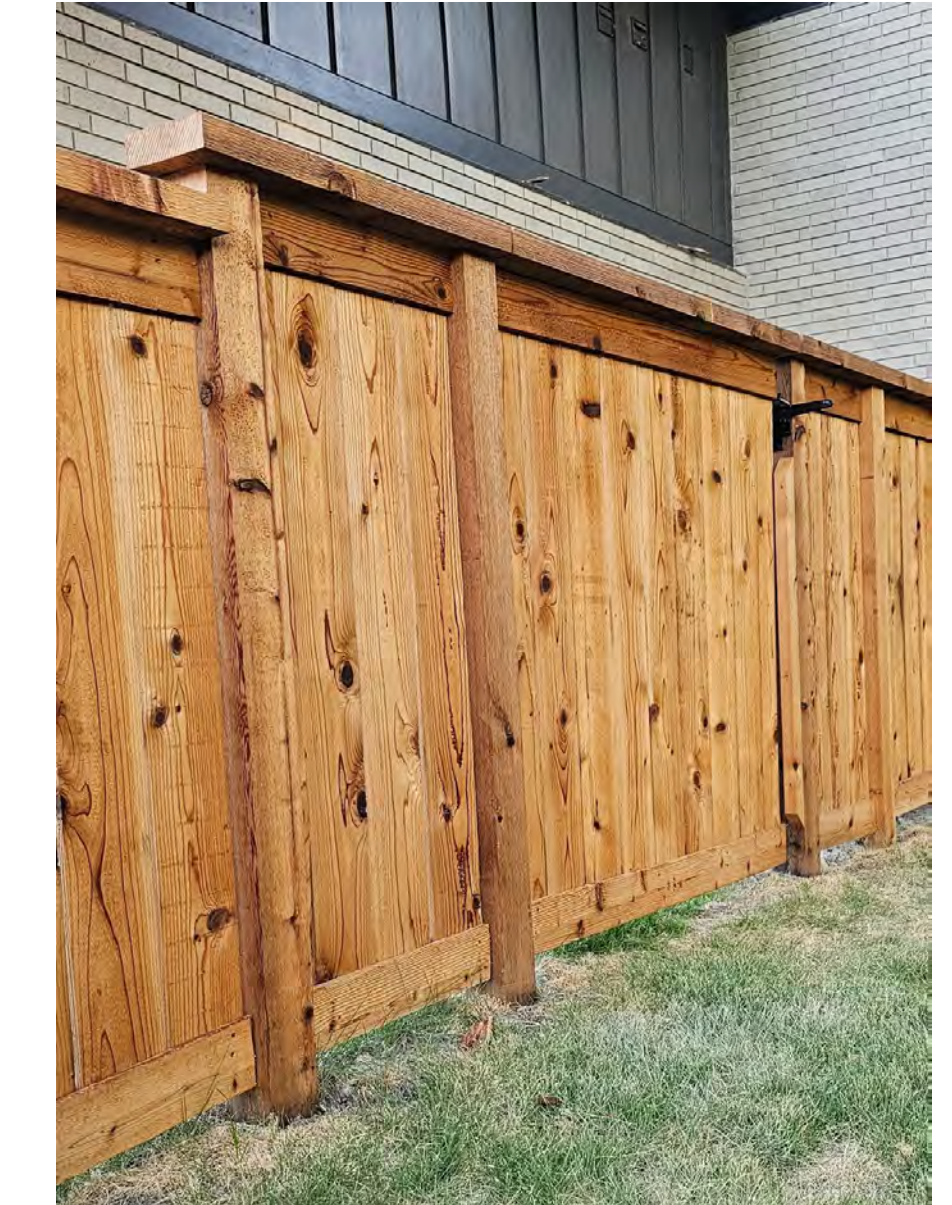
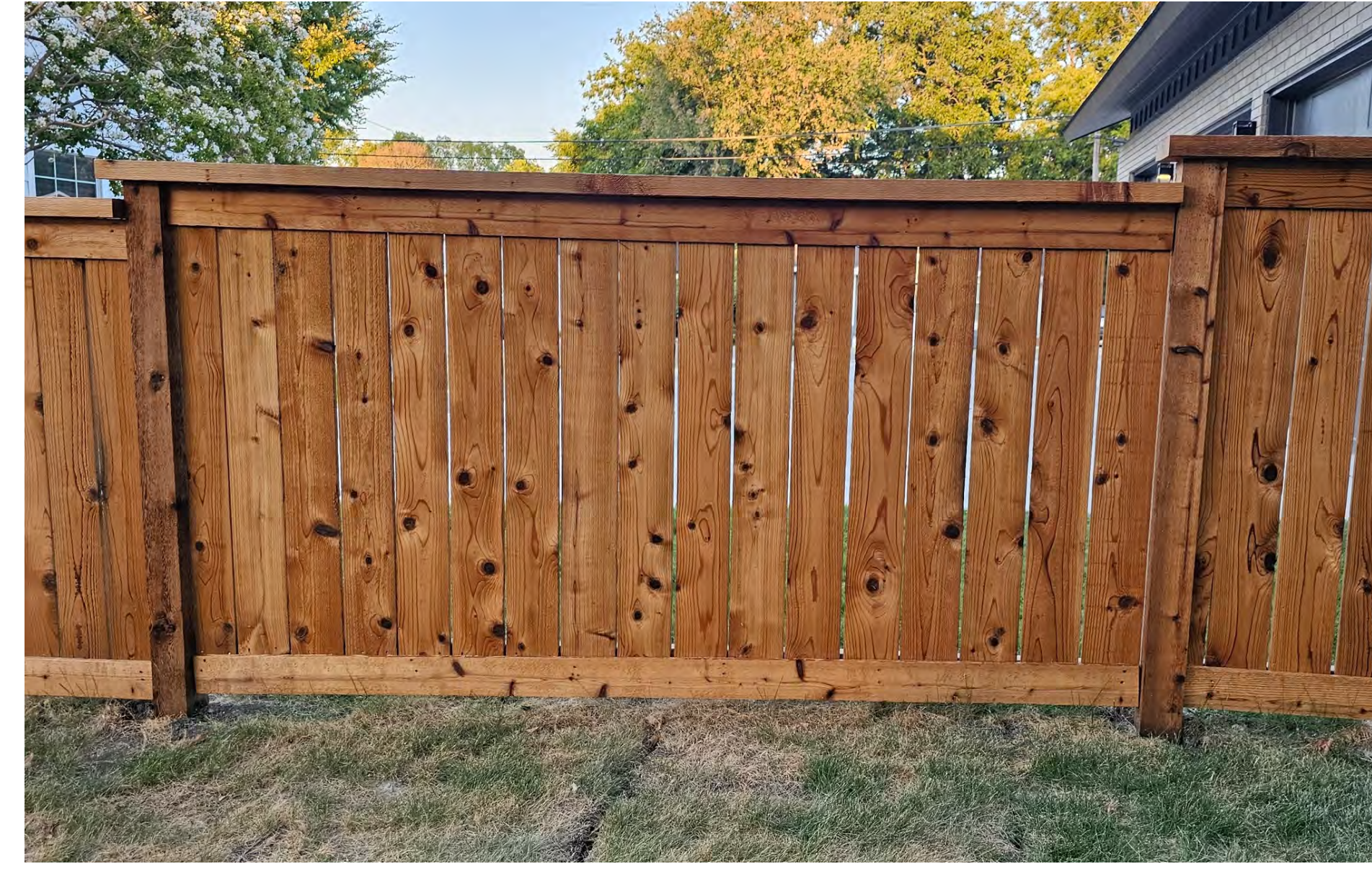


**FENCE AS PROPOSED**



Fence Design:  
4'-0" High cedar wood fence in a Craftsman design to match the architecture of the home, and with the intention of being compatible with the nature of the Downtown Rockwall Historic District.

**FENCE AS PERMITTED AND CURRENTLY CONSTRUCTED**



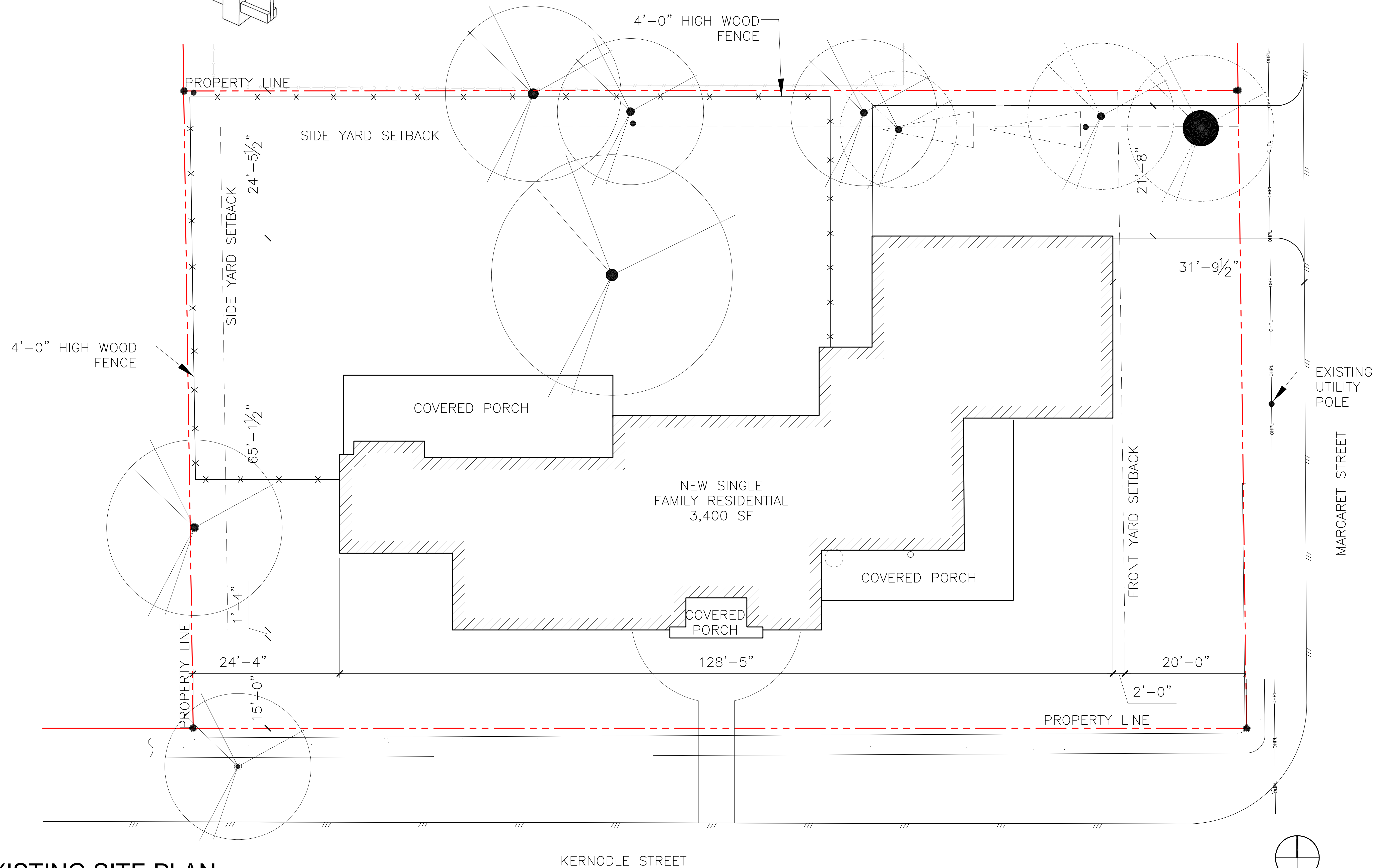
**ZONING:**

**SINGLE FAMILY SF-7**

- REQ.: MIN LOT AREA - 7,000 SF  
PROVIDED: 18,545 SF
- REQ.: MIN SF/DWELLING UNIT - 1,100 SF  
PROVIDED: 3,700 SF
- REQ.: MIN FRONT YARD SETBACK - 20 FT  
(AT MARGARET ST.)  
AS DESIGNED: 20FT
- REQ.: MIN FRONT YARD SETBACK - 15 FT  
(AT KERNODLE ST. PER ORDER # BOA 2015-1-V)  
AS DESIGNED: 15 FT
- REQ.: MIN DEPTH OF REAR YARD SETBACK - 10 FT  
AS DESIGNED: NO REAR YARD PER UDC ARTICLE 5  
SECTION 1.3 "LOTS WITH MULTIPLE FRONTAGES"
- REQ.: MIN DEPTH OF SIDE YARD SETBACK - 6 FT  
AS DESIGNED: 6 FT
- REQ.: MIN LENGTH OF DRIVEWAY PAVEMENT FROM PUBLIC  
RIGHT-OF-WAY FOR REAR AND SIDE YARD - 20 FT  
AS DESIGNED: 31'-9 1/2"
- REQ.: MAX BUILDING COVERAGE AS A PERCENTAGE OF LOT  
AREA - 45%  
AS DESIGNED: TOTAL BLDG AREA - 5,773 SF  
TOTAL SITE AREA - 18,545 SF  
5,773 / 18,545 = 0.31 = 31% COVERAGE
- REQ.: MAX BLDG HEIGHT - 32 FT  
AS DESIGNED: 24'-4 1/2"
- REQ.: MIN PAVED OFF-STREET PARKING ONE SINGLE FAMILY  
DWELLING UNIT - 2  
AS DESIGNED: 2 PROVIDED

**HISTORY OVERLAY (HO) DISTRICT**

CERTIFICATE OF APPROPRIATENESS APPROVED BY THE  
HISTORIC PRESERVATION ADVISORY BOARD ON 01.19.2015  
AS ITEM H2015-003



**EXISTING SITE PLAN**

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

**NOT FOR REGULATORY  
APPROVAL, PERMIT, OR  
CONSTRUCTION.**  
Jonathan Brown, AIA  
Registered Architect of the State of  
TEXAS  
Registration Number:  
21886

601  
**PROZEMK**

Issue: Date  
HPAB FENCE REVIEW 08.29.23

© 2021 Jonathan Brown, AIA  
All Rights Reserved.  
All materials embodied herein constitute an  
original work by the Architect; the Architect  
owns all copyrights herein. The viewer may  
not reproduce, display or distribute this work  
or prepare derivative works based on this  
work without the express written consent of  
the copyright owner.

Revision	Date
△	
△	
△	
△	

**A101**







October 13, 2023

TO: Jonathan Brown  
601 Kemodle Street  
Rockwall, TX 75087

FROM: Ryan Miller, AICP  
City of Rockwall Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, TX 75087

SUBJECT: H2023-012; *Certificate of Appropriateness (COA) for 601 Kemodle Street*

Mr. Brown:

This letter serves to notify you that the above referenced case that you submitted for consideration by the City of Rockwall was approved by the Historic Preservation Advisory Board (HPAB) on September 21, 2023. The following is a record of all recommendations, voting records and conditions of approval:

Staff Recommendations

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.

Historic Preservation Advisory Board

On September 21, 2023, the Historic Preservation Advisory Board (HPAB) approved the Certificate of Appropriateness (COA) by a vote of 4-0, with Board Member Freed absent and two (2) vacant seats.

Should you have any questions or concerns regarding your case, please feel free to contact me a (972) 772-7745.

Sincerely,

Ryan Miller, AICP  
Director of Planning and Zoning  
City of Rockwall Planning and Zoning Department