

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ADJUSTMENT
OF THE CITY OF ROWLETT, TEXAS HELD IN THE ROWLETT
MUNICIPAL CENTER, 4000 MAIN STREET, ROWLETT, TEXAS
AT 7:00 P.M., MAY 3, 2010

PRESENT: Chairman, Jerry Galloway; Vice-Chairman Juan Vasquez; Members, Michael Lucas, Juan Torres

ALSO PRESENT: Alternate Carl Pankratz

ABSENT: Member Charles Lee

STAFF PRESENT: Erin Jones, Planning Manager; Blake Scott, Senior Building Inspector; Kendra Frederick, Sr. Administrative

1. Call to Order.

Vice Chairman Jerry Galloway called the meeting at 7:00 p.m.

2. Consider approval of the minutes of the Regular Meeting of The Board of Adjustment from December 22, 2009.

Member Michael Lucas made a motion to approve the minutes of the Regular Meeting of The Board of Adjustment from December 22, 2009. Member Juan Torres seconded the motion. Motion carried with a 5-0 vote.

3. Conduct public hearing and take appropriate action on a variance request. The applicant requests a variance from Dimensional Requirements found in Chapter 77, Section 400 of the *Rowlett Development Code*, to allow for a reduction in setback requirements. The subject property is located at 7102 Shipp Rd. being Lot 2, Block 1 of the Lee-Patton-Troquille Pointe addition.

Planning Manager, Erin Jones stated that the applicant, purchased the home in foreclosure, and was not aware that the property had been split into two lots instead of one. In order to add an addition on the west side of the home, the applicant would encroach into the second lot and does not want to replat the property into one lot due to uncertainties of what his plans are for the future. In order to keep the lots into 2 lots, the applicant is requesting a 7 foot reduction in setbacks. The applicant Mark Yeakley at 7102 Shipp Road came forward to explain that adding the addition would make the façade look more presentable. Alternate Carl Pankratz asked if there was a physical hardship that would prevent the applicant from replatting the lot into one lot. The applicant said no, but he would rather not change the layout of lot one at this time. Ms. Jones stated that this code requirement does place an undue hardship on large lots and staff will be addressing that issue in the future. With no further discussion or comments from the applicant, Member Michael Lucas made a motion to approve the item as submitted. Alternate Carl Pankratz seconded the motion. The motion carried with a 5-0 vote.

4. Conduct a public hearing and take appropriate action on an administrative appeal. The applicant is appealing an administrative decision made by City of Rowlett staff regarding implementation of provisions contained in Chapter 78, Article X, Section 311 of the

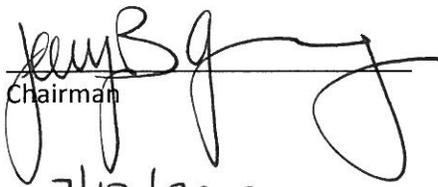
DRAFT MINUTES OF THE REGULAR MEETING OF THE BOARD OF ADJUSTMENT
OF THE CITY OF ROWLETT, TEXAS HELD IN THE ROWLETT
MUNICIPAL CENTER, 4000 MAIN STREET, ROWLETT, TEXAS
AT 7:00, MAY 3, 2010, cont.

Rowlett Code of Ordinances, as it pertains to enclosures required for swimming pools, spas or hot tubs. The applicant requests that the Board of Adjustment interpret the existing four foot fence in combination with a seven foot living screen as a "solid structure" in lieu of upholding City staff's interpretation that a living screen does not meet the intent of the **Rowlett Code of Ordinances** as it pertains to enclosures required for swimming pools, spas or hot tubs. The subject property is located at 8213 Portsmouth Dr. being Lot 6, Block 2 of the Lake highlands at Lake Ray Hubbard addition.

Ms. Jones stated that the applicant is requesting to use his existing four foot fence in combination with his seven foot Red Tip Phontinias to meet the "solid structure" requirements outlined in the Code of Ordinances. The code requires that when a pool is constructed, a minimum of a six foot fence or solid structure is required. Member Juan Torres asked if the city provides information regarding pool requirements and Ms. Jones clarified that the city does provide written information to contractors when the permit is approved. On April 8th, 2010, a pool permit was issued. Blake Scott, Senior Building Inspector left a tag on the property with a note regarding the fence requirements associated with a pool. At a later date, Wes Ferrell, Building Inspector, could not complete a final inspection due to the fence not meeting the requirements. At that time the applicant requested a BOA hearing to appeal staff's interpretation of the code. Several members discussed the dangers of having a living screening wall and how the Red Tip Phontinias are not a solid structure. With no more discussion, Member Juan Torres made a motion to deny the request for the administrative appeal. Vice-Chairman Juan Vasquez seconded the motion. Motion carried with a 5-0 vote.

5. Adjournment.

Member Michael Lucas made a motion to adjourn the meeting. Alternate Carl Pankratz seconded the motion. Motion carried with a 5-0 vote.


Chairman
7/12/2010
Date


Secretary