

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 6:15 P.M., July 12, 2010

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

ALSO PRESENT: Alternate Raymond Moyer (voting member), Alternate Jarvis Morgan

ABSENT: Member Juan Torres

STAFF PRESENT: Erin Jones, Planning Manager; Susie Quinn, City Secretary

1. Call to Order.

Chairman Jerry Galloway called the meeting to order at 6:15 p.m.

2. Consider approval of the minutes of the Regular Meeting of The Board of Adjustment from May 3, 2010.

Member Charles Lee made a motion to approve the minutes of the Regular Meeting of The Board of Adjustment from May 3, 2010. Member Michael Lucas seconded the motion. Motion carried with a 5-0 vote.

3. Conduct a public hearing and take appropriate action on a variance request. The applicant requests a variance in accordance with Chapter 77, Section 505 of the Rowlett Code of Ordinances, to allow for the reconstruction of a non-conforming driveway. The subject property is located at 1947 Chiesa Road, being Proposed Lot 1, Block A of the Gonzales Addition, situated in the Merrel Survey, A-957, City of Rowlett, Dallas County.

Erin Jones, Planning Manager came forward to present the case. She stated that the applicant is currently replatting one lot into two lots. The replat is scheduled for Planning and Zoning Commission action on Tuesday, July 13, 2010. While reviewing the plat application it came to staff's attention that the existing driveway is non-conforming. Per Chapter 77, Section 505 F of the *Rowlett Development Code (RDC)*, "**No access to residential property shall be allowed from any Type A+ through B thoroughfare.**" Chiesa Road is classified as a Class A thoroughfare. The current driveway serves as access to both proposed lot 1 and proposed lot 2 of the Gonzales Addition. There is an existing, occupied house on proposed lot 2. Due to the fact that proposed lot 1 will be improved in the future, staff must require that the driveway access be brought up to current code standards. Staff has required that the access easement on lot 1 be increased to 35 feet to accommodate emergency vehicles. In addition, the 35 foot driveway will be paved per code standards. Currently, the drive is an unimproved surface. Ms. Jones went on to state that per code requirements a non-conforming driveway cannot be reconstructed unless a BOA variance is granted. She stated that staff has evaluated this location and has not found another legitimate access point to the property. To deny this variance request would render the property impossible to use as a building permit cannot be issued without first bringing the driveway into compliance, which will require the reconstruction of a non-conforming driveway. She stated that staff from the Planning, Engineering and Fire Division are all in support of this variance as it will create a safer situation than currently exists. Ms. Jones stated that if lot two ever redevelops another variance will not be required in order

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to reconstruct the rest of the drive. It will be seen as a continuation of this variance request. This is due to the fact that lot two does not have direct access to Chiesa Rd. The property owner will always have to access lot two through lot one. Chairman Galloway opened the public hearing. With no one wishing to speak he closed the public hearing. Member Michael Lucas made a motion to approve the variance request as presented. Alternate Raymond Moyer seconded the motion. Motion carried with a 5-0 vote.

- 4. Conduct a public hearing and take appropriate action on a variance request. The applicant is requesting 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 3002 Cottonwood Ct. being Lot 11, Block 2 of the Westwood estates VI addition.**

Erin Jones, Planning Manager came forward to present the case. She stated that the subject property is zoned Single Family 10 (SF-10). The final plat for was filed at Dallas County in April, 1985. At that time a 15 ft. side setback was shown on Lot 11, Block 2, and subsequently recorded with the plat, as seen in attachment 3. She went on to state that the applicant contacted staff to discuss an addition to her home in order to create a handicap accessible bathroom. The applicant explained that the proposed location was the only practical location for the addition because to expand the bathroom within the interior of the home would result in a loss of space that has already been renovated to be handicap accessible. Ms. Jones stated that current code provisions require that SF-10 lots have side setbacks equal to 7.5 ft. or 10 percent of the lot width, whichever is greater. The subject property could meet that requirement as the lot is 90 ft. wide, requiring a 9 ft. setback per current code standards. However, due to the fact that a 15 ft. side setback was recorded with the plat, that setback requirement takes precedence. Staff does not have authority to override the plat which is why the applicant is seeking a 5 ft. BOA variance. She further stated that the 15 ft. setback requirement for 3002 Cottonwood Ct. does not render the property impossible to use for the intended residential purpose. This is illustrated by the fact that there is an existing, occupied home on the lot. However, other SF-10 lots throughout the City are not required to adhere to a 15 ft. side setback. Based on that, Ms. Jones stated that there is an unnecessary hardship being placed on the subject property that does prohibit the owner from using the property in a manner otherwise allowed in similar zoning districts. Chairman Galloway asked if the request is approved, will the board be setting precedence. Ms. Jones stated that all requests are to be looked at individually but this approval very well could set an expectation from future applicants. Member Michael Lucas stated that even if precedence is set, it is still in line with current code standards. Ms. Jones confirmed that he was correct. Vice-Chairman Juan Vasquez, asked if there are any easements that they should be concerned with. Ms. Jones stated that there were not. The board asked Ms. Jones if there is an HOA involved in this request. She stated that she was not aware of one and stated that the applicant had solicited neighbor's support and had submitted 16 letters in favor of the request. In addition, of the 22 public hearing notices sent out, eight were returned in favor and none opposed. With no other questions for staff Chairman Galloway opened the public hearing. Gayla Magill, homeowner and applicant at 3002 Cottonwood Ct. Rowlett, TX stated that the home is not located in an HOA. She also introduced Ms. Darlene Crouch, for which the addition is being built for. Chairman Galloway commended the ladies on their effort to rally support for the variance and the time that was put into the application packet. With no one else wishing to speak, Chairman

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Galloway closed the public hearing. Vice-Chairman Juan Vasquez made a motion to approve the variance request as presented. Member Charles Lee seconded the motion. Motion carried with a 5-0 vote.

5. Adjournment.

Member Michael Lucas made a motion to adjourn the meeting at 6:29 p.m. Member Charles Lee seconded the motion. Motion carried with a 5-0 vote.


Chairman
11/11/2010
Date


Secretary, 11/11/10

