

**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., MAY 2, 2011**

PRESENT: Vice-Chairman Juan Vasquez; Members, Raymond Moyer, Charles Lee, Michael Lucas

ABSENT: Chairman Jerry Galloway; Alternates Edra Brashear, Jarvis Morgan

STAFF PRESENT: Erin Jones, Planning Manager; Marc Kurbansade, Senior Planner; Michele Berry, Planning Intern; Ashley McCoy, Development Services Technician

1. Call to Order.

Vice-Chairman Juan Vasquez called the meeting to order at 6:15 pm.

2. Consider approval of the minutes of the Regular Meeting of the Board of Adjustment from April 4, 2011.

Member Michael Lucas made a motion to approve the minutes of the regular meeting of the Board of Adjustment from April 4, 2011. Member Charles Lee seconded the motion. Motion carried with a 4-0 vote.

3. Conduct a public hearing and take appropriate action on a variance request. The applicant is requesting a variance from the side setback requirement for a main building in a single-family residential lot, per the requirements found in Table 4.1-1 Section 77-401 of the Rowlett Development Code, to allow a side setback of 10.2 feet reduced from 18 feet. The subject property is located at 4810 Scenic Drive, being an unplatted 1.13 acre tract from the W. Crabtree Abstract, Tract 1.

Michele Berry, Planning Intern came forward to present the case. She presented a location map showing the property to be in the southeast quadrant of the city and that the property does back up to the Lake Ray Hubbard Take-Area. Ms. Berry stated that the variance was being requested so that the homeowner could construct a breezeway that would attach the detached garage to the primary structure and subject it to the stricter side setback requirements. She noted that the property was zoned SF-10 with side setback requirements of 7.5 feet or ten percent of the lot width, whichever is greater, and the property is approximately 180 feet making the side setback 18 feet. She presented that the existing detached garage is 10.2 feet from the side property line and the variance being requested is for the difference, 7.8 feet. The garage was constructed prior to the current code regulations and is legal non-conforming. Ms. Berry stated that only a strict interpretation of the code would make the garage part of the primary structure once the breezeway was built and a reduction in the side setback would not disrupt the character or quality of the neighborhood and would not prevent adequate air, light, privacy or open space. She stated that the variance would only apply to the garage and no other structures and staff recommended approval. She also noted that of the thirteen notices sent out, five were returned in favor. Board member Michael Lucas verified that if the variance were approved, there would be no buildings any closer to the property line other than the currently existing garage and Ms. Berry affirmed. Board member Charles Lee asked if, in the event the applicant wanted to build another structure the same distance from the property line, it would require another variance or if this one would apply then as well. Marc Kurbansade, Senior Planner stated that the Board could stipulate in the motion for the variance to

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apply only to the existing garage. Vice-Chairman Juan Vasquez opened the public hearing and recognized Glen Walker, 4810 Scenic Dr, Rowlett, TX, to speak. Mr. Walker stated that he and his wife had recently purchased the home and were renovating it before moving in and that he wished to build a breezeway from the garage to the home to provide a stable entrance to the home. Vice-Chairman Vasquez closed the public hearing and asked the Board for any discussion. Board member Michael Lucas made a motion to approve the request to allow a variance from the side setback requirement for a main building in a single-family residential lot to allow a side setback of 10.2 feet reduced from 18 feet with the condition that this variance shall only apply to the existing detached garage for the purpose of connecting the garage to the existing house with an enclosed breezeway, any future use of the property shall be required to meet the setback standards in place at that time. Motion seconded by Board member Charles Lee. Motion passes with a 4-0 vote.

4. **Conduct a public hearing and take appropriate action on a variance request. The applicant is requesting a variance from the front building setback requirement for a commercial building, per the requirements found in Section 77-401, Table 4.1-2 of the Rowlett Development Code, to allow a setback reduction from 50 feet to 45 feet. The subject property is located at 4309, 4313, and 4317 Rowlett Drive, being an unplatted 0.56 acre lot from the Thomas Collins Abstract, Tract 20, Page 510.**

Marc Kurbansade, Senior Planner came forward to present the case. He presented a location map and site photos showing the three existing structures located on the property. He stated that the property was zoned C-2 and the variance was being requested due to the planned widening of Rowlett Road. The future development of the property would be hindered with the 50 foot setback requirement after five feet were used for the Rowlett Road width due to the narrow depth of the lot, leaving only 32.59 feet of potential buildable area. With a five foot variance that would increase to 37.59 feet once the landscape buffer, parking and front sidewalks were factored in. Mr. Kurbansade noted that of the C-2 properties along Rowlett Road and Lakeview Parkway only two other lots had similar lot depth and of the ten notices mailed out, two were returned with one in favor and one opposed. Vice-Chairman Vasquez inquired about the zoning of the surrounding properties and Mr. Kurbansade replied they were C-2 as well. Vice-Chairman Vasquez asked if staff supported the reduction and the impact it may have of future development and Mr. Kurbansade replied that there were other provisions in the code that would help to maintain uniformity in development in the area. Vice-Chairman Vasquez inquired if there was the possibility of keeping the front setback of 50 feet and reducing the rear setback and Mr. Kurbansade answered that staff had looked at the possibility but that doing so may cause difficulties in development in regards to parking. Board member Raymond Moyer inquired if it would be better for someone to acquire the lot behind and develop to two properties as one and Mr. Kurbansade responded that the applicant does not own the property to the rear and the owners of that lot have not expressed interest in selling it. Board member Moyer asked what could be developed on the lot in the rear in the future and Mr. Kurbansade stated that the rear lot was zoned C-2 and listed a few examples of allowed uses in C-2 zoning. He also stated that the applicant would be required to maintain the easement containing the private access drive so there would be access to the rear property. Vice-chairman Vasquez inquired if five feet would be enough and Mr. Kurbansade responded that five feet would be least amount that the applicant would need and would represent the five feet that was being taken for the widening of Rowlett Road giving the applicant the same development scenario as

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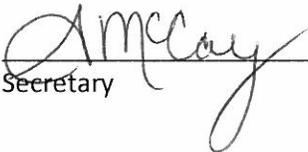
before the five foot loss. Vice-Chairman Vasquez opened the public hearing and recognized the applicant's agent, Renè Castro to speak. Mr. Castro stated that the applicant has not yet decided what she will develop on the property but that the space is limited and losing five feet to the widening of Rowlett Road will limit the options even further, therefore the applicant is requesting that the setback be five feet less, or no different than before the road widening. Vice-Chairman Vasquez inquired if this variance were approved if the applicant would be eligible to apply for another variance in the future if more space were needed once development on the lot began and Mr. Kurbansade answered that staff had discussed the options with the applicant and she would have the right to apply for another variance or possibly a Planned Development to rezone the property and set different standards for the site. Vice-Chairman Vasquez stated that his concern was that the applicant may be restricting themselves with the variance if approved and Mr. Kurbansade responded that further action could be taken if necessary. Mr. Castro noted that the applicant was requesting the variance at this time so that they could give a decision to the City of Rowlett regarding their property for the widening of Rowlett Road. Seeing no other speakers, Vice-Chairman Vasquez closed the public hearing and asked the Board for any discussion. Board member Michael Lucas made a motion to approve the request to allow for a front setback reduction from 50 feet to 45 feet. Motion seconded by Board member Charles Lee. Motion passes with a 4-0 vote.

5. Adjournment.

Board member Michael Lucas made a motion to adjourn. Motion was seconded by Member Charles Lee. Motion passes with a 4-0 vote. Vice-Chairman Vasquez adjourned the meeting at 6:36 pm.


Chairman - Juan Vasquez
Vice-Chairman

Date


Secretary