



AGENDA
BOARD OF ADJUSTMENT
THURSDAY, FEBRUARY 18, 2016
4000 MAIN STREET

The Board of Adjustment will convene into a Work Session at **6:00 p.m.** in the City Hall Conference Room at the Municipal Center, 4000 Main Street, Rowlett, at which time the following items will be considered:

- i. Call to Order.
- ii. Discuss possible forthcoming variances associated with the damage from the December 26, 2015 tornado.
- iii. Discuss Long Term Recovery – Construction Sub-Committee.
- iv. Discuss items on the regular agenda.
- v. Adjournment.

The Board of Adjustment will convene into a Regular Meeting at **6:30 p.m.** in the City Hall Chambers at the Municipal Center at which time the following items will be considered:

1. Call to Order
2. Consider approval of the minutes of the Board of Adjustment Meeting of November 30, 2015.
3. Conduct a public hearing and take action on a request for a variance to allow a building to encroach 9.16 feet into the 20-foot setback from the rear property line. The subject property is located at 2313 Windward Way, further described as being Lot 6R, Block 7(A) of the Vue Du Lac, an addition to the City of Rowlett, Dallas County, Texas.
4. Consider appointing a Member of the Board of Adjustment to the Long Term Recovery – Construction Sub-Committee.
5. Adjournment

NOTE: THE BOARD OF ADJUSTMENT MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING DEPARTMENT AT 972-463-3949 FOR FURTHER INFORMATION.

A handwritten signature in black ink, appearing to read "Garrett Langford".

Garrett Langford, Principal Planner

**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
November 30, 2015**

PRESENT: Chairman Raymond Moyer, Members Robert Vickers, Kellie McKee, Frixmon Michael, Alternate Members Jerry Hayes

ABSENT: Vice-Chair Chris Kizziar, Members Tony Brown, Alternate Members Mike Rasmussen

STAFF PRESENT: Principal Planner Garrett Langford, Development Services Coordinator Lola Isom

1. Call to Order

Chairman Raymond Moyer called the Board of Adjustment meeting to order at 6:31 p.m.

2. Consider approval of the Board of Adjustment Meeting of October 7, 2015.

Member Robert Vickers made a motion to approve the minutes. Member Kellie McKee seconded the motion. The item passed 4-0.

Member Frixmon Michael arrived after the vote for Item 2.

3. Conduct a public hearing and take action on a request for a variance from the setback and building orientation requirements in Chapter 77, Section 400 and Section 500 of the Rowlett Development Code. The subject property is located at 6500 Garner Road, further described as being a 0.4635 acre tract in Charles D Merrell Abstract, No. 957, Rowlett, Dallas County, Texas.

Mr. Langford presented a location map and provided background on the request. He presented site photos of the property facing west as well as the plot plan. Mr. Langford explained that the two variances being requested were as follows:

1. *Building orientation of the house to face the east instead of the street*
2. *35' x 35' front setback request to allow for an 8' fence*

Mr. Langford summarized the Rowlett Development Code (RDC) requirements for variance requests. He stated that staff recommended approval of the building orientation request and denial of the setback request. He stated that 24 public hearing notifications were sent; one was received in favor and three were partially in opposition. He presented a Public Hearing Notification Map.

Chairman Raymond Moyer opened the public hearing.

**MINUTES OF THE REGULAR MEETING
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The following speakers came forward:

**Alan Ross
14902 Preston Road
Dallas, TX 75089
Architect**

Mr. Ross expressed his support in regards to the variance requests. He addressed the setback request and stated that fencing and security was paramount for the property owners.

There was discussion amongst the Board regarding addressing procedures and Homeowner's Association (HOA) responses.

The following speaker came forward:

**Robert Clark
6602 Garner Road
Rowlett, TX 75088
Nearby Homeowner**

Mr. Clark stated that he was in favor of the building orientation variance request. He expressed concern for the access of future property development to the east of the subject property. He also expressed some history with the hardship and easements of that property.

There was discussion amongst the Board in regards to accessing the properties not fronting the streets and ingress/egress easements.

Chairman Raymond Moyer closed the public hearing.

Member Kellie McKee made a motion to approve the building orientation variance request. Member Robert Vickers seconded the motion. The item passed 5-0.

Member Robert Vickers made a motion to disapprove the setback variance request. Alternate Member Jerry Hayes seconded the motion. The motion carried 5-0.

4. Adjournment.

Chairman Raymond Moyer adjourned the meeting at 7:04 p.m.

Chairman- Raymond Moyer

Secretary

Date



AGENDA DATE: 02/18/2016

AGENDA ITEM: 3

AGENDA LOCATION:

Individual Consideration

TITLE

Conduct a public hearing and take action on a request for a variance to allow a building to encroach 9.16 feet into the 20-foot setback from the rear property line. The subject property is located at 2313 Windward Way, further described as being Lot 6R, Block 7(A) of the Vue Du Lac, an addition to the City of Rowlett, Dallas County, Texas.

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The applicants, Brandon Bonds and Jenifer Beasley, are requesting a variance to the 20-foot setback from the rear property line. The applicants' home was destroyed during the December 26, 2015, tornado. The applicants are proposing to rebuild with a larger home that will utilize the entire existing slab including a portion that encroaches 9.16 feet into the 20-foot rear setback. This portion of the slab was previously used as part of the rear patio. In Staff's opinion, the request does not meet the criteria for a variance as prescribed by the Rowlett Development Code.

BACKGROUND INFORMATION

The subject property is located at 2313 Windjammer Way (Attachment 1 – Location Map) and is currently zoned Planned Development #07-21-87A. The applicants are proposing to reconstruct a new home over the existing slab (Attachment 2 – Applicant's Letter). A portion of the existing slab encroaches 9.16 feet into the 20-foot rear yard setback (Attachment 3 – Plot Plan) and that was previously used as the rear outdoor patio area. Approximately two years ago, the applicants expanded the roof of the home into the 20-foot rear setback, without a variance or building permit, in order to cover the rear patio.

Instead of rebuilding the home with a rear patio cover as it was before, the applicants wish to expand the living space of the home 9.16 feet into the 20-foot rear setback. Staff cannot issue a permit to rebuild the home as it was before the tornado with the rear patio cover or with an expanded living area unless a variance is granted. Staff is only able to issue permits that meet the setback requirements.

The subject property is zoned Planned Development #07-21-87A which required the homes to follow the zero lot line development standards that were in place when the Planned

Development was adopted (Attachment 4 – Zero Lot Line Ordinance). These standards require a minimum rear setback of 20 feet from the rear property line. The subject property backs up to the take area of Lake Ray Hubbard which is available for lease. The City's Take Area Ordinance allows it to be used as part of the backyard; however, it cannot be used to determine the rear setback line.

DISCUSSION

Section 77-812 of the *Rowlett Development Code* (RDC) states specific criteria that should be considered when granting a variance as seen below:

The variance process is intended to provide limited relief from the requirements of this Code in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Code may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the city.

Section 77-812 of the RDC defines a variance as seen below:

A variance is an exemption from the literal terms of a zoning ordinance that avoids an unnecessary hardship caused by the special conditions associated with the property. The unnecessary hardship must be unique to the property, arising from topographical, geographical, physical, or dimensional features of the property, and not the owner or occupant. A variance is appropriate in unique circumstances to allow limited exemptions from setbacks, lot width, lot depth, coverage, floor area ratio, sidewalks, home size, lot size, signs and similar regulations and shall not be granted based on market conditions, economic factors, or profitability, marketability or feasibility of development on the property. A variance shall not be granted if contrary to the public interest, and if granted, the spirit of the regulations must be observed and substantial justice done.

A variance is intended to grant relief from a zoning requirement where its enforcement would result in a hardship due to unique conditions on the property. To grant a variance, there must be a physical condition unique to the property that would make it difficult to use and comply with the requirements. In review of this request, staff did not find any physical conditions that are unique to the subject property. The property can be redeveloped with a single family home that meets all the setback and minimum size requirements as it was done when the previous home was built in 1999. While granting the variance may not be contrary to the public interest, staff did not find any unique physical conditions. As a result, it is staff's opinion that the request does not meet the criteria for a variance.

Public Notice

Notices of this request were mailed to property owners within 200 feet. On February 3, 2016, a total of 16 notices were mailed. As of February 15, 2016, two responses has been returned in favor of the request and one has been returned in opposition to the request.

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends denial of the request.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Applicant's Request

Attachment 3 – Plot Plan

Attachment 4 – Zero Lot Line Ordinance

Attachment 5 – Site Pictures

Attachment 6 – Returned Public Notices



To Whom It May Concern:

2313 Windjammer Way

Rowlett, Tx 75088

I am seeking a variance on my lot on the west side of my property, which is the rear section. Area requirements state that "No main residual building may be constructed nearer than 20 feet to the rear of the property". This is a zero lot line property, however, our lot is on the lake. The spirit of Zoning Ordinance will be in compliance in the following way. Behind the house is 75 to 100 yards of land the core of engineers maintains and then the lake. There is no property or lot behind us to infringe upon, nor will one ever be built as it is a flood plain. We will not be expanding our foot print as we will use the existing slab. That last portion of lab is within the 20 feet of the no build rule. I only want to use the last 10-12 feet of slab to build our house larger as our family has grown since we have been in the house. We have a special circumstance in that we are rebuilding due to the fact that the tornado that came through Rowlett on 12/26/2015 leveled our house. I think this construction will not only improve the neighborhood visually, as will all the other new housing, but will also increase tax revenue for the city as our taxable value will increase. I do not believe this will be contrary to the public interest in any way.

Thank You

Brandon Bonds

972-838-8951

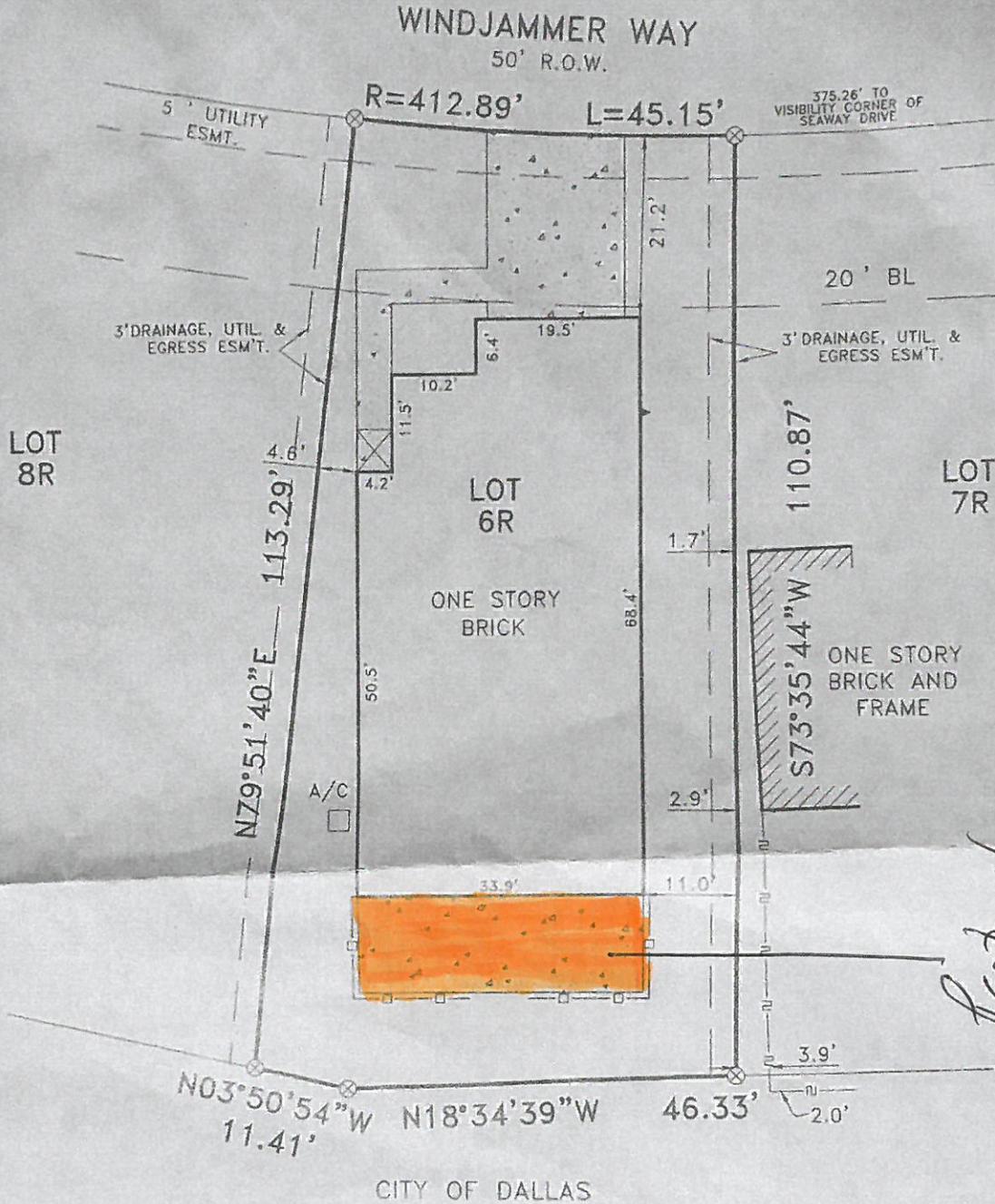
1/28/16

brandonbonds@outlook.com

SURVEY PLAT

ATTACHMENT 2

This is to certify that I have, this date, made a careful and accurate survey on the _____ of property located at No. 2313 WINDJAMMER WAY, in the city of ROWLETT, Texas, Lot No. 6R Block No. 7 (A) of REVISED REPLAT OF VUE DE LAC an addition to the City of ROWLETT, DALLAS COUNTY, Texas, according to the REVISED MAP THEREOF recorded in VOLUME 94054 at PAGE 4369 of the MAP Records of DALLAS County, Texas.

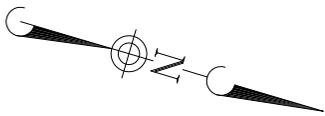
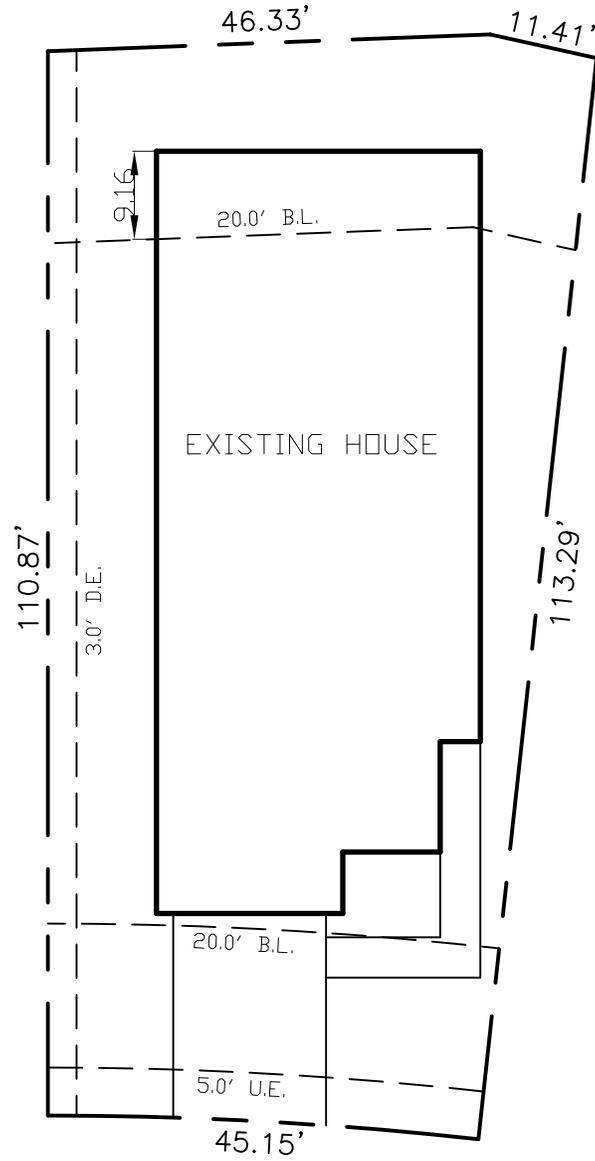


part of original slab



NOTE: PROPERTY SUBJECT TO EASEMENTS IN DECLARATION RECORDED IN VOL. 78047, PG. 338

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
NOTE: According to the F.I.R.M. in Community Panel No. 48113C0245 J, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.
This survey is made relying upon the information provided by REPUBLIC TITLE Title Company in connection with the transaction described in G.F. 03R22425. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned.



SCALE: 1 = 20'

IT IS THE BUILDING SUPERINTENDENT'S RESPONSIBILITY TO ENSURE THE CORRECTNESS OF THIS PLOTPLAN BEFORE PROCEEDING WITH CONSTRUCTION. IF THERE ARE ANY ERRORS AND/OR OMISSIONS THEY ARE TO BE BROUGHT TO THE ATTENTION OF PRECISION DESIGNS SO AS THEY MAY BE CORRECTED. THIS INCLUDES, BUT IS NOT LIMITED TO: HOME OWNERS ASSOCIATION REQUIREMENTS, ARCHITECTURAL REVIEW COMMITTEE APPROVAL, SPECIAL SITE AND DRAINAGE CONDITIONS, EASEMENTS, BUILDING SETBACKS, AND OTHER RESTRICTIONS THAT APPLY TO THE PROPERTY. FAILURE TO DO SO RELEASES PRECISION DESIGNS OF ALL LIABILITY FOR THE ERRORS AND/OR OMISSIONS.

SUBDIVISION :
VUE DE LAC

ADDRESS :
2313 WINDJAMMER WAY

DATE :
01/27/16

LOT :
6R

BLOCK :
7 (A)

JOB # :

CITY :
ROWLETT, TX

PLAN # :

DRAWN BY :
JAW



Precision Designs

400 CHISHOLM PLACE SUITE 102 PLANO, TX. 75075
PHONE: 214-227-7527 FAX: 866-743-4069
WWW.PDGLOBAL.COM

"Section 12-14-10 AREA REQUIREMENTS

. . .

Zero lot line lots shall be clearly identified on the Development Plan for a Planned Development District and shall conform to the following regulations:

1. Zero lot line lots shall be utilized as buffers between low density residential uses and higher density residential uses, commercial uses, or major thoroughfares.
2. Only single family detached dwellings shall be built on zero lot line lots, with the following regulations governing the dwelling and lot configuration:
 - a. For each dwelling and building accessory thereto, there shall be a lot area of not less than five thousand (5,000) square feet.
 - b. The minimum area of the main building shall be one thousand two hundred (1,200) square feet, exclusive of garages, breezeways, and servant quarters.
 - c. **SIDE YARD:**
 - (1) There shall be a minimum side yard on at least one side of the lot, and on any side yard adjacent to a street, of ten (10) feet. Chimneys, roofs, eaves, or other architectural appendages shall not extend into any required side yard.
 - (2) Except as provided in (1) above, a dwelling or accessory building may be built on the property line on one side of the zero lot line lot (herein referred to as the "zero side yard"), provided this side yard of the structure contains no openings, appendages, or overhangs. There shall be a minimum separation of ten (10) feet between all buildings. A masonry wall of at least seven (7) feet in height shall be constructed from the front building line to a point not less than six (6) feet from the rear property line for any structure which has a side yard set back of less than seven (7) feet on a designated zero side yard. The main structural wall of the building may be included and incorporated as a portion of the masonry wall required herein.
 - d. No main residential building may be constructed nearer than twenty (20) feet to the rear property lines.
 - e. All lots shall have access to an adjacent alley, and such alley shall have a right-of-way width of not less than fifteen (15) feet and a paved width of not less than ten (10) feet. Zero lot

line lots shall provide a minimum six (6) foot, forty-five (45) degree angle, open area beginning at the intersection of the rear property line and the zero side yard line in order to provide a clear field of vision from the alley to the rear entry driveway."

SECTION 17.

That Section 12-15-1 of the Rowlett City Code be, and the same is hereby, amended to delete Subsection 35 therefrom.

SECTION 18.

That Section 12-15-1 of the Rowlett City Code be, and the same is hereby, amended to amend Subsections 27, 28, and 34 to read as follows:

"Section 12-15-1 **USES WHICH CAN BE AUTHORIZED AS A SPECIAL USE ZONING CLASSIFICATION IN ANOTHER USE DISTRICT**

. . .

27. Temporary structures for religious or public gatherings on a permanent basis; does not include temporary uses of sixty (60) days or less.

28. Carnivals or amusement parks on a permanent basis; does not include temporary uses of sixty (60) days or less.

. . .

34. Christmas tree sales on a permanent basis; does not include temporary uses of sixty (60) days or less.

. . ."

SECTION 19.

That Section 12-16-3A of the Rowlett City Code be, and the same is hereby, amended by deleting the second sentence of Subsection 2 thereof.

SECTION 20.

That Section 12-16-3 of the Rowlett City Code be, and the same is hereby, amended by adding Subsection 10 thereto to read as follows:

"Section 12-16-3 **OPEN SPACE**

A. . . .

10. Fences, hedges or enclosure walls located in the front yard shall have a maximum height of three (3) feet. Fences, hedges or enclosure walls located on or behind the front building line or on the side or rear property line may have a maximum height of ten (10) feet. On any corner lot where the alley intersects the street, no fence, hedge, enclosure wall or other visual

2313 Windjammer Way



Facing north on the west side of the property



Facing east from the rear of the slab.

2313 Windjammer Way





Department of Development Services

NOTICE OF PUBLIC HEARING FOR VARIANCE

TO: Property Owner
RE: Application for a Variance

LOCATION: The subject property is located at 2313 Windjammer Way, further described as being Lot 6R, Block 7(A), Vue Du Lac, an addition to the city of Rowlett, Dallas County, Texas. A location map depicting the 200 foot notification area is attached for reference. This notice and the notification area are required under Chapter 211.010 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant is requesting a variance to the 20-ft rear setback requirement from the Zero Lot Line Ordinance, Section 12-14-10. The applicant is proposing to rebuild the home that will encroach 9.16 feet into the required 20-foot setback from the rear property line.

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: No reason not to - no one is behind them.

ADDRESS: 2217 Windjammer Way.

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at 6:30 p.m. on Thursday, February 18, 2016. The meeting will be in the City Council Chambers, located at 4000 Main Street, Rowlett, Texas.

Please respond legibly in ink. If the signature and/or address is missing, your comments will not be recorded. Your response must be received in the Department of Development Services by 5:00 pm on Friday, February 12, 2016, for your comments to be included in the Board Members packet. Responses received after that time will be forwarded to the Board at the respective public hearing.

If you have any questions concerning this request, please contact Garrett Langford in the Department of Development Services Phone 972-412-6166 glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Department of Development Services
PO Box 99
Rowlett, TX 75030-0099
FAX 972-412-6228



02-10-16A10:39 RCVD

Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: *The extension is not that large. It will lead to more expensive homes in future, will not reduce lake views. And will increase tax revenue eventually.*

ADDRESS: *2301 Windjammer way*
KAW Piasai

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at **6:30 p.m. on Thursday, February 18, 2016**. The meeting will be in the City Council Chambers, located at 4000 Main Street, Rowlett, Texas.

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Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: It will block the view of the neighbors on either side.

ADDRESS: 2305 La Costa Drive

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at 6:30 p.m. on Thursday, February 18, 2016. The meeting will be in the City Council Chambers, located at 4000 Main Street, Rowlett, Texas.

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Table with 2 columns: Contact information for Garrett Langford and Return by Fax or Mail information for the Department of Development Services.