



BOARD OF ADJUSTMENT MINUTES

Our Vision: A well-planned lakeside community of quality neighborhoods, distinctive amenities, diverse employment, and cultural charm. Rowlett: THE place to live, work and play.

Monday, August 23, 2021

6:30 P.M.

Municipal Building

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

PRESENT: Chair Chris Kizziar, Members James Moseley, Louis Frisbie, Tony Schmitz and Ken Romaine, Alternates Michael Frixmon and Samone Skinner.

ABSENT: Vice-Chair Ken Romaine, Member Donna Manhart

STAFF PRESENT: Director of Community Development Munal Mauladad, Planning and Urban Design Manager Alex Koenig, Land Use Administrator/Urban Designer Carlos Monsalve, Planner II Connor Roberts, Planner I Joel Hayes, Building Official Dale Jackson and Executive Assistant Susan Nix.

1. CALL TO ORDER

Commission Chair Chris Kizziar called the meeting to order at 6:37 p.m.

2. CITIZENS' INPUT

No comments were received for Citizens' Input.

3. Consider approval of the minutes of the Board of Adjustment Meeting on March 25, 2021, and Joint Work Session with the City Council on April 20, 2021.

Board member Moseley made a motion to approve the minutes for both meetings. Board member Schmitz seconded the motion. The motion passed with a 4– 0 vote.

4. ACTION ITEMS

4A. Conduct a public hearing and take action on a request by Mitchell Lenamond for a variance to Section 77-402.A.3(d) of the Rowlett Development Code to reduce the required street frontage from 35 feet to 25 feet for a flag lot on property zoned Single Family Residential (SF-40) District.

The subject property is located at 6817 Chiesa Road, approximately 1,400 northwest of the intersection of Chiesa and Dandridge Roads, in the City of Rowlett, Dallas County, Texas.

Land Use Administrator/Urban Design Officer Carlos Monsalve presented the information for this item. He stated that staff recommends approval of the variance request.

There were questions from Board members for clarification on the history of the property, specifically relating to zoning timelines and in what order.

Board member Frisbie asked about present and past access to the property. He also requested clarification on how this variance will affect the access to all landlocked properties.

The public hearing opened and closed with two speakers and no written comments:

- 1) Teresa Hennig-Hoffman, 6829 Chiesa Road, Rowlett; opposed to this item.
- 2) Mary Stout, 6825 Chiesa Road, Rowlett; opposed to this item.

Board member Moseley made a motion to approve the item as presented by staff. Board member Tony Schmitz seconded the motion. The motion passed with a 4 – 0 vote.

- 4B.** Conduct a public hearing and take action on a request by Cody Frink for a variance to Section 77.903.A to allow for the construction of an additional structure not conforming to the requirements of the Rowlett Development Code on a property with a nonconforming use on property zoned Form Based Commercial Center (FB-CC) District. The subject property is located at 8620 Merritt Road, approximately 1,490 feet west of the intersection of Chiesa Road and Hickox Road, in the City of Rowlett, Dallas County, Texas.

Land Use Administrator/Urban Design Officer Carlos Monsalve presented the information for this item. He stated that staff recommends denial of the variance request.

Board member Frisbie asked if the existing lot currently has a home on it and if it is occupied.

Board member Schmitz asked if the property allows for multiple homes and for clarification of the Form Based Code regarding expanding the property but not going outside the existing boundaries.

Chairman Kizziar asked about the impact on North Shore development.

Chris Williams, owner came forward and gave information regarding the history of the family property and read a letter of intent. He mentioned he never received denial of the building permit.

Building Official, Dale Jackson gave additional information on the building permit process.

The public hearing was opened and closed with two speakers and no written comments:

- 1) Robert Williams, 8616 Merritt Road, Rowlett;
- 2) Susie Rios, 8823 Merritt Road, Rowlett; in favor of this item.

The Board asked staff for clarification on options for a middle ground and the reasons for the request for denial.

Board member Frisbie made a motion to approve the variance request. Board member Schmitz seconded the motion. The motion did not pass with a 3– 1 vote.
Board member James Moseley voting against.

- 4C.** Conduct a public hearing and take action on a request by Beth Hoang for a variance to Appendix 2.1 of the Form-Based Code to re-establish a non-conforming residential structure build-to-zone on property zoned Form-Based Rural Neighborhood (FB-RN) District. The subject property is located at 9114 Merritt Road, being Lot 1, Block A of the Merritt-Hoang Addition, approximately 640 feet northwest of the intersection of Hickox and Merritt Roads, in the City of Rowlett, Dallas County, Texas.

Planner II Connor Roberts presented the information for this item. He stated that staff recommends denial of the variance request.

Board member Moseley requested that properties responding to the mailed notice be highlighted during the presentation for the Board's consideration.

There were questions from Board members for clarification on the documents submitted by the applicant, specifically relating to the reconstruction quote and engineer's report.

Chairman Kizziar asked staff about the appraised value of the structure through the county records and if staff was provided the appraisal information from time of purchase. Staff notified the Board that the appraised value of the structure was \$0 dating back to 2020, and that without proof of the date of the damage, Staff could not verify the appraised value.

There were questions from the Board members regarding alternatives to the Board of Adjustment variance process.

Applicant Beth Hoang presented information for the request, stating the surrounding properties do not meet the build-to-zone requirements of the Form-Based Code.

There were questions from the Board members asking the applicant if an engineering report was requested by the city. The applicant stated that an engineer's report was provided, and that Staff informed them the report needed to be signed and sealed by a professional engineer.

Board member Frisbie asked the applicant about the appraised value of the home and informed them that the provided engineer's report should be signed to be considered. The applicant informed the Board that getting the report signed was cost prohibitive, and that staff did not inform them of alternative processes to developing the property.

Board member Schmitz asked the applicant that if the item was tabled, would they be able to secure a signed engineer's report and appraised value of the structure.

There were questions from the Board for both staff and the applicant regarding the purchase price of the property, the original value of the property, the engineering report, and the surrounding built environment.

The public hearing opened and closed with one speaker and no written comments:

1) Susie Rios, 8823 Merritt Road, Rowlett; in favor of this item.

Board member Schmitz made a motion to table this item for 30 days to allow the applicant to provide an appraisal from when she purchased the property and a signed engineer's report. Board member Frisbie seconded the motion. The motion passed with a 4 – 0 vote.

After a short break at 9:23 p.m., the Board members reconvened at 9:32 p.m.

- 4D.** Conduct a public hearing and take action on a request by Stefan Sansone for a variance to Section 77-303.C.7(c) of the Rowlett Development Code to reduce the side setback for an existing carport from 3 feet to 1.5 feet on property zoned Single Family Residential (SF-10) District. The subject property is located at 8010 Garner Road, being Block 1, Lot 2 of the Seyed Hafezi Addition, approximately 1,473 feet west of the intersection of Dalrock and Garner Roads, in the City of Rowlett, Dallas County, Texas.

Manager of Planning and Urban Design, Alex Koenig presented the information for this item. He stated that staff recommends denial of the request for variance due to there are no physical characteristics of the property dimensions to warrant a variance, and the carport was installed with a permit or compliance review.

Board member Schmitz asked if this is an active issue with the City Attorney. Staff informed the Board that there was a citation issued from Building Inspections and gave some additional background on this case.

Applicant Stefan Sansone discussed his background and gave additional information regarding the history of the project, and the cost associated with having the carport removed.

Chairman Kizziar asked staff for clarification of the process if this variance is approved and if the variance is denied would the applicant be required to remove the carport.

The public hearing opened and closed with no speaker and two written comments.

Comments read into the record:

- 1) Michael Edwards, 8013 Wayne Way, Rowlett; in favor of this item.
- 2) Mike and Jeannie Dalton, 8017 Wayne Way, Rowlett; in favor of this item.

Board member Frisbie asked the applicant if he had spoken to other contractors regarding the possibility of removing a portion of the carport and having it shifted.

Board member Moseley asked for clarification of the process after approval, specifically relating to the required approvals for the SUP from Council and Planning and Zoning.

Board member Moseley made a motion to approve the variance request. Board member Schmitz seconded the motion. The motion passed with a 4 – 0 vote.

5. ADJOURNMENT

Commission Chair Chris Kizziar adjourned the meeting at 10:12 p.m.


Chairman


Secretary