

**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., OCTOBER 13, 2008**

**PRESENT:** Chairman Larry Beckham, Vice-Chairman Jerry Galloway, Members Karl Crawley, Dennis Hernandez, Charles Lee, and Juan Torres

**ABSENT:** Members Joe Charles and William Vehon, Jr.

**STAFF PRESENT:** Chief Building Official Danny Denman and Administrative Assistant Dianne Kolb

**Item 1. Call to Order.**

Mr. Beckham called the meeting to order at 7:04 p.m.

Mr. Beckham called roll with Mr. Charles and Mr. Vehon being absent.

Mr. Beckham explained that with four (4) appointed members being present, only one alternate member would be able to vote on the items. Mr. Crawley was selected to be the alternate voting member; the other alternate members would not vote on the items but participate in their discussions.

**Item 2. Selection of the Chairman for the Board of Adjustment for October 2008 through October 2009.**

Mr. Lee moved to nominate Mr. Beckham as Chairman. The motion was seconded by Mr. Crawley. The motion passed with a 4-0 vote. With no other nominations made, Mr. Beckham became Chairman.

**Item 3. Selection of the Chairman for the Board of Adjustment for October 2008 through October 2009.**

Mr. Torres moved to nominate Mr. Galloway as Vice-Chairman. The motion was seconded by Mr. Lee. The motion passed with a 4-0 vote. With no other nominations made, Mr. Galloway became Vice-Chairman.

**Item 4. Consider approving the minutes from the April 14, 2008 Regular Board of Adjustment Meeting.**

Mr. Galloway moved to approve the minutes as submitted. The motion was seconded by Mr. Lee. The motion passed with a 5-0 vote.

Mr. Beckham swore in those persons wishing to speak either in favor or in opposition during the public hearing.

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AT 7:00 P.M., OCTOBER 13, 2008, cont.**

**Item 5. Public hearing to consider and take appropriate action on the application of Castle Ridge Homes, who is requesting a variance from the Rowlett Development Code, Chapter 77-400, Table 4.1-1: Dimensional Requirements – Residential Districts – SF-40 Zoning Classification - Minimum Floor Area per Dwelling Unit (sq. ft.). The applicant is requesting the variance to allow the construction of houses smaller than what is allowed by ordinance on property located at 3311 Dorothy Lane and 3315 Dorothy Lane, Lots 1 & 2, Block A out of the Castle Ridge Addition, Phase 2. (Case No. – BOA 08-05)**

Danny Denman, Chief Building Official for the City of Rowlett, explained that the applicant is requesting a variance to allow the construction of two (2) houses smaller than what is allowed by the zoning district in which the lots are located. Mr. Denman explained briefly that when the area of Vinson Road and Dorothy Lane was annexed into the City of Rowlett, the property was automatically zoned SF-40, which is a single family zoning classification requiring a 40,000 sq. ft. minimum lot area and a 2,400 sq. ft. minimum house size, regardless of what type of existing structures are in the area. He explained that the existing structures and lots in the area become legal non-conforming if they do not comply with the zoning placed on the property at the time of annexation. Mr. Denman explained that the lots purchased by Castle Ridge Homes were non-conforming when platted, and although the zoning does not change, the property owner will be able to construct houses using the zoning which is best suited for the size of the non-conforming lot as allowed by the Rowlett Development Code. He stated that Lots 1 and 2, Block A out of the Castle Ridge Addition, Phase 2 will have to comply with the SF-10 zoning requirements, which states that a minimum 2,100 sq. ft. house be built. The applicant is requesting a variance to allow the construction of two (2) 1,500 sq. ft. minimum houses, which is 600 sq. ft. smaller than the required 2,100 sq. ft. house, thus the reason for this request.

Mr. Beckham stated that twenty-two (22) notices were mailed out to property owners within two hundred (200) feet of the request with one (1) notice returned in favor of the request and three (3) notices returned in opposition to the request.

Mr. Beckham asked for those persons wishing to speak in favor of this request. The following spoke:

Todd Gast, Castle Ridge Homes, 2413 Randi Road, Rowlett, applicant for this request, explained that they would like to construct new houses compatible with the surrounding area. He stated that this would bring affordable housing to the area and additional tax dollars. Mr. Gast explained that the requirements within the SF-10 zoning classification will be met, they are only requesting a variance to the house size of 2,100 sq. ft. He stated that the new houses would be 3-2-2 styles and range from \$117,000 to \$122,000 in price.

Mr. Beckham asked for those persons wishing to speak in opposition to this request. The following spoke:

James Goodner, 3312 Dorothy Lane, explained that he bought his house over 20 years ago when the area was in the county and all farm land. He stated that he is concerned with the construction of new houses due to the noise, his taxes going up and the ability to sell his house. Mr. Goodner stated that he is opposed to any building in the area.

Mr. Beckham closed the public hearing.

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Mr. Galloway asked about the requirements for building prior to property being annexed into the City. Mr. Denman explained that when property is in county and within the ETJ (Extraterritorial Jurisdiction) of the City, only the Subdivision Ordinance applies. He stated that the zoning requirements, i.e.: house size, lot size, setback, building permits, ect. only apply when property is within the city limits.

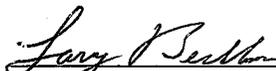
Mr. Gast also pointed out that they purchased and platted two (2) lots across the street from these two (2) lots and due to the size of the lots, they are able to build those houses following the SF-5 zoning requirements, which allows a 1,500 sq. ft. minimum house out-right. He explained that the 1,500 sq. ft. minimum house would be more compatible with the area than the required 2,100 sq. ft. house on the two (2) lots which a variance is being requested.

The Board went into lengthy discussion concerning how a property can be zoned with certain requirements to be followed, but be platted and built under different requirements without having to go through the rezoning process.

Mr. Galloway made the motion to approve the request to reduce the minimum house size from 2,100 sq. ft. to 1,500 sq. ft. on Lots 1 & 2, Block A out of the Castle Ridge Addition, Phase 2. The motion was seconded by Mr. Lee. The motion passed with a 5-0 vote.

**Item 5. Adjournment.**

Mr. Beckham adjourned the meeting at 7:35 pm.

  
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Chairman

  
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Secretary