



AGENDA
BOARD OF ADJUSTMENT
MONDAY, APRIL 28, 2014
4000 MAIN STREET

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

- i. Call to Order
 - ii. Administer the Oath of Office and the Statement of Elected/Appointed Officer to the newly appointed and reappointed members
 - iii. Board of Adjustment Orientation
 - iv. Discuss electing a Chairman and Vice-Chairman
 - v. Discuss items on the regular agenda
 - vi. Adjournment
-

The Board of Adjustment will convene into a Regular Meeting at **7:00 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. Elect a Chairman and Vice-Chairman
3. Consider approval of the minutes of the Regular Meeting of The Board of Adjustment from December 3, 2012.
4. Conduct a public hearing and take appropriate action on a variance request. The applicants are requesting a variance from the width requirements for a flag lot outlined in Chapter 77, Section 603.F.2 of the Rowlett Code of Ordinances, specifically a reduction in the minimum width of the flag portion of the lot from 35 feet to 10 feet, in order to accommodate a flag lot for a new single family home. The subject property is located at 3706 Toler Rd., being Lot 10, Block 4 of the Rowlett Ranch Estates Second Section, an addition to the City of Rowlett, Dallas County, Texas, and being a 2.267 acre tract of land in the Reason Crist Survey, Abstract 225, Rowlett, Dallas County, Texas.
5. Adjournment.

NOTE: THE BOARD OF ADJUSTMENT MAY RETIRE AND CONVELE 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
AT 7:05 P.M., DECEMBER 3, 2012**

PRESENT: Vice-Chairman Juan Vasquez; Members Raymond Moyer, Robert Kittrell, Charles Lee, Jarvis Morgan; Alternates Kevin Brown, Wanda Hoff, James Vessels, Harris D. Brown, Thomas Newsom

ABSENT:

STAFF PRESENT: Erin Jones, Planning Manager; Ashley McCoy, Development Services Technician

1. Call to Order.

Vice-Chairman Juan Vasquez called the meeting to order at 7:05 pm.

2. Consider approval of the minutes of the Regular Meeting of the Board of Adjustment from November 7, 2011.

Member Jarvis Morgan made a motion to approve the minutes of the regular meeting of the Board of Adjustment from November 7, 2011. Member Raymond Moyer seconded the motion. Motion carried with a 5-0 vote.

3. Consider electing a Chairman and Vice-Chairman.

Member Charles Lee made a motion to elect Juan Vasquez as Chairman. Member Jarvis Morgan seconded the motion and it carried with a 4-0-1 vote with Mr. Vasquez abstaining from voting.

Member Charles Lee made a motion to elect Jarvis Morgan as Vice-Chairman. Member Ronald Moyer seconded the motion and it carried with a 4-0-1 vote with Mr. Morgan abstaining from voting.

4. Adjournment.

Member Charles Lee made a motion to adjourn. Member Raymond Moyer seconded the motion. Motion carried with a 5-0 vote. Chairman Vasquez adjourned the meeting at 7:07 pm.

Chairman- Juan Vasquez

Secretary

Date



**Department of Development
Services**

**Board of Adjustment
April 28, 2014**

**Agenda Item – 4
3706 Toler Road
Flag Lot Width Variance**

Applicant

Jerry and Jessica McDonald, *Property Owners*

Request

Conduct a public hearing and take appropriate action on a variance request. The applicants are requesting a variance to the width requirements for a flag lot outlined in Chapter 77, Section 603.F.2 of the Rowlett Code of Ordinances, specifically a reduction in the minimum width of the flag portion of the lot from 35 feet to 10 feet, in order to accommodate a flag lot for a new single family home. The subject property is located at 3706 Toler Rd., being Lot 10, Block 4 of the Rowlett Ranch Estates Second Section, an addition to the City of Rowlett, Dallas County, Texas, and being a 2.267 acre tract of land in the Reason Crist Survey, Abstract 225, Rowlett, Dallas County, Texas.

Staff Representative

Garrett Langford, Principal Planner

Summary

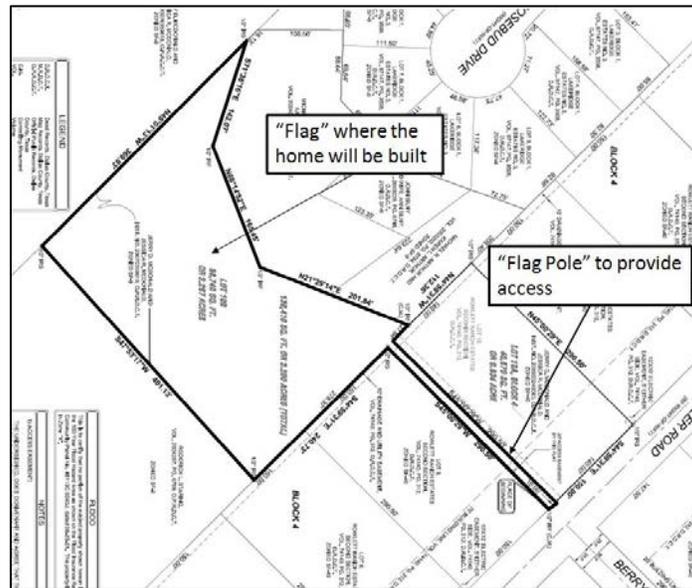
The variance request involves of two properties. One of the properties is a platted lot (3706 Toler Road) located on the southwest side of Toler Road. The other property is a proposed 2.267 acre lot (Lot 10B) located to the rear of 3706 Toler Road. Lot 10B is part of a 21-acre tract of land addressed as 3610 Lily Lane. (Attachment 1 – Location Map).

In brief summary, there are two possible access points for the property. One option is from a roadway extension off Lily Lane, and the second is a flag lot and access easement off Toler Road. The roadway extension off Lily Lane is not practical due to a large flood plain. Rowlett Code of Ordinances prohibits encroachment into floodways. It is physically impossible to extend Lily Lane without interfering with the flood plain and/or the flood way. To that end, the only viable option to access the site is the flag lot off Toler Rd. Due to existing site conditions, the proposed flag lot does not meet the minimum width requirements and thus requires a variance for approval.

In order to approve a variance the Board of Adjustment must determine that there is an *“unnecessary hardship [that is] unique to the property, arising from topographical, geographical, physical, or dimensional features of the property, and not the owner or occupant.”* Based on the extensive flood plain and the City’s restriction regarding encroachment in the flood plain, Staff has determined that there is a legitimate hardship associated with this request, and as such recommends approval.

Background

3610 Lily Lane is zoned SF-9 and 3706 Toler Road is zoned SF-40. The owners of both properties and applicants, Jerry and Jessica McDonald, are proposing to replat the subject property, 3706 Toler Rd, in order to create a flag lot. A flag lot is a lot having the configuration of an extended flag and pole. The pole represents access to property located to the rear of another lot fronting a street as illustrated below:



In this case, the applicants are proposing a flag lot in order to bring access from Toler Road to property located to rear of 3706 Toler Rd. Section 77-603.F.2 the Rowlett Code of Ordinances allows flag lots in residential zone area subject to the following standards:

- a) Allowed districts. Unless otherwise allowed by the board of adjustment, flag lots shall be allowed only in the residential zoning districts.
- b) Frontage. Each flag lot shall have at least 35 feet of street frontage and at least 35 feet of width for the entire length of the "flagpole." [emphasis added]**
- c) Lot area calculation. The area of the "flagpole" portion of the lot shall not be included in the calculation of the minimum lot area.
- d) Driveways. Driveways shall be designed to allow vehicles to drive out forward. Shared or common driveways/parking will be considered when two flag lots are contiguous.

The purpose of this request by the applicant is to build a new single family home on a 2.267-acre tract located behind 3706 Toler Road (Attachment 3 – Replat) referred to in this report as Lot 10B. Lot 10B will need to be platted in order to build a new single family home. The Planning and Zoning Commission cannot approve the proposed replat for the flag lot because it does not meet the minimum required lot width dimensions for the flagpole portion of the flag lot (see highlighted section above).

Variance Request

As outlined in the Board of Adjustment Application included as Attachment 2, the applicants are requesting a variance from Chapter 77, Section 603 of the *Rowlett Code of Ordinances* as it pertains to the minimum width of the frontage of a flag lot. Specifically, the applicants are requesting a 25-foot reduction in the width of the flagpole portion of the flag lot from 35 feet to 10 feet. This reduction is due to the existing site conditions of 3706 Toler Rd, as there is an existing home on the site.

The reason for this variance is to allow a replat of the subject property in order to build a new single family home and to gain access to Toler Road. The new single family home is to be located on the proposed Lot 10B that is to the rear of 3706 Toler Road. In order to construct a new single family home, Lot 10B must meet the minimum dimensional requirements and it must have access to a public or private street. Lot 10B is part of a larger 21-acre tract, 3610 Lily Lane. This tract currently has no access to Toler Road. The only access to the 21-acre tract is from Lily Lane. As previously noted this access point is impeded by a significant floodway (Attachment 3 - Flood Plain), thus Toler Rd. is the only viable access point.

Staff Analysis

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. “

In addition, 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.”

It is the Planning and Engineering Staff's opinion that securing access for Lot 10B from Lily Lane would result in a dramatic impact to the flood plain and/or the flood way located on the property. Rowlett Code of Ordinances prohibits encroachment into floodways unless it can be demonstrated through engineering analysis that the proposed encroachment would not result in increased flood levels. It is physically impossible to extend Lily Lane or install a cul-de-sac without negatively interfering with the flood plain and/or the flood way. This, in Staff's opinion, represents an unnecessary hardship that is unique to this property. The only viable option to develop the proposed Lot 10B is to secure access from another street, in this case being Toler Road.

The *Rowlett Development Code* states that **“if a variance is authorized, the variance shall represent the least deviation from the regulations that will afford relief.”** The width of 3706 Toler Road cannot be further reduced in width to allow a wider flagpole because there is not enough space to divide the property and meet the minimum width requirements for both 3706 Toler Road and the flagpole width requirements. 3706 Toler Road is currently 150 feet

wide. The minimum required lot width for this property is 140 feet. The minimum width requirement for the flagpole is 35 feet. In addition, if 3706 Toler was reduced to meet the minimum width of 35 feet for the flagpole, then the existing house would be encroaching into the new property line. Presently, the existing home on 3706 Toler is approximately 34 feet from the current side lot line. The applicants are proposing a flagpole width of 10 feet in order for 3706 Toler to continue meet the minimum dimensional and setback requirements for the existing home. To allow for enough room for a driveway and emergency access to the flag lot, the applicant is proposing a 20-ft wide access easement that will cover the flagpole and 10 feet of 3706 Toler Road. The access easement will allow access to both the flag lot and 3706 Toler Road.

The proposed replat of 3706 Toler Road will meet the minimum width and interior yard setback requirements for the SF-40 zoning district. Allowing a 10-ft wide flagpole for the flag represents the least deviation from the regulations.

Staff Recommendation

Staff recommends approval of the request for a variance to allow a flagpole with a width of 10 feet. The floodplain on the 21 acre tract prevents Lot 10B from securing access to Lily Lane leaving no other option other than to pursue access from Toler Rd.

Public Hearing Notice

Notice of this public hearing was mailed, as required by the *Rowlett Development Code*. 72 notices were mailed on April 11, 2014. As of Wednesday, April 23, 2014, staff has received 6 responses from the public hearing notices. This includes the notices that were received from the previous public hearing notices for the original hearing that was scheduled for February 24th which was canceled due to lack of a quorum. One response is favor of the request. The remaining five responses are in opposition to the request citing concerns with increase traffic on Toler Road, continuation of Berryman Drive, placing a house behind the existing homes, impact on drainage and emergency access. The third response did not indicate an opinion on the request other than to state that they need additional information. The responses can be viewed as Attachment 6.

Attachments

Attachment 1 – Location Map

Attachment 2 – Application

Attachment 3 – Flood Plain Map

Attachment 4 – Case photos

Attachment 5 – Final Plat

Attachment 6 – Public Hearing Notice Responses



Jerry and Jessica McDonald
3706 Toler Road
Map Created: February 7, 2014



VARIANCE REQUEST
LOCATION MAP



ATTACHMENT 2
BOARD OF ADJUSTMENT /
VARIANCE REQUEST
CHECKLIST

Project Name: Lily Ln / Toler Rd. Case # _____

This checklist is provided to assist you in addressing the minimum requirements for a Variance Request submission. An application is incomplete unless all applicable information noted below is submitted to the Department of Public Works. Indicate that all information is included in the submittal by checking the box next to the required information. Checking the box certifies to the City that you have completely and accurately addressed the issue. Return this form at the time of application submittal.

All variance requests must be in accordance with **Section 77-812 of the Rowlett Development Code**. Furthermore, please note that any variance, waiver, or appeal of administrative decision granted or authorized by the Board of Adjustment does not relieve the applicant/property owner from obtaining a building permit from the City of Rowlett Building Department.

Section 77-812.B. Variance defined. "A variance is an exemption from the literal terms of a zoning ordinance that avoids an unnecessary hardship caused by 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 to the owner or occupant. A variance is appropriate in unique circumstances to allow limited exemptions from setbacks, lot width, lot depth, lot coverage, floor area ratio, sidewalks, home size, lot size, signs and similar regulations and shall not be granted if 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."

REQUIRED INFORMATION	
Included	Item Description
<input checked="" type="checkbox"/>	A written narrative describing the following: <ul style="list-style-type: none"> ○ Description of the variance / waiver / or appeal (circle one) requested. Please state the variance or waiver in feet and/or tenth of feet. ○ Description of how the request will not be contrary to the public interest. ○ Due to special conditions, a literal enforcement of the provisions of the Zoning Ordinance WILL RESULT IN UNNECESSARY HARDSHIP, as follows (What is the special condition and what is the hardship?). ○ How this request complies with the spirit of the Zoning Ordinance. ○ How substantial justice will be done by granting this application. ○ How the appropriate use of the neighboring property will not be substantially injured.
<input checked="" type="checkbox"/>	A statement indicating that you have been personally informed of all requirements listed in the Zoning Ordinance of the City of Rowlett regarding the variance, waiver, or appeal of administrative decision being sought.
<input checked="" type="checkbox"/>	A plot plan of the property on which the variance or waiver is sought together with a design of the area which is contrary to the terms of the Zoning Ordinance. <u>RePlat</u>
<input type="checkbox"/>	Letters of petition from adjoining property owners concerning this application (optional).

combined

Preparer's Signature: Jessica R. McDonald

Variance Request for Partial Property located at 3610 Lily Ln.

We are the property owners of 3610 Lily Lane, a parcel of approximately 21 acres of raw land. We are also the property owners of the adjacent 3706 Toler Rd., which is a home and 1 acre parcel of land. We have future intent to build a home site on the raw land and sell the home located on Toler. However due to the topography of the land, the best build site is behind the Toler Rd portion of the land. In order to build we are requesting a replat of 2 acres (approx) of land with an entrance/easement off of Toler Road. We hope to take 10 feet from the property on Toler and have an additional 10 feet of easement. Therefore, the frontage for the replat will be off Toler Road. Currently the frontage of the raw land is on Lily Lane. However, there is an unnecessary hardship in trying to utilize that as the entrance and drive to the home site. There is a natural waterway that runs lengthwise through the property. As you can see from the contours of the land and surrounding neighborhoods, the creek is the lowest elevation from the Flower estates all the way to Larkin. As such, a significant portion of the land is flood plain. From the entrance off Lily there is not enough non-flood plain land to make a drive that would be sufficient for fire truck requirements and also for the construction equipment without upsetting the water drainage across the land. Water rushes through the land from several surrounding subdivisions into the city water drainage at one end of the raw land. To disrupt this flow would be harmful to the drainage of the area as well as the natural waterway. We have discussed this with planning and zoning and they are in agreement that a hardship does exist and warrants seeking a variance as mentioned above. This variance would apply to the frontage and setback requirements as is currently outlined in the zoning ordinances for the Replat only.

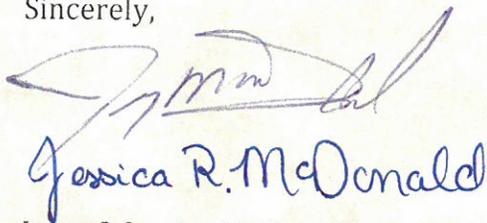
This request will not create any undue change to any properties that surround the replat. The slight change from 3706 Toler will not make that property incompliant with zoning ordinances. Also, as the current owners, all changes in the property boundary will be disclosed and noted in the survey upon any future sale of the

homestead. In addition, building a home on the raw land will enable more property tax revenue and also foster higher property values for surrounding homes.

As it stands, the current zoning ordinance successfully maintains minimum house sizes with large lots. It is our intent to build a home that is over 4,000 square feet on a replated parcel of 2 acres. In doing so, we feel we will keep the spirit of the ordinance as well as the integrity of the community in which we are grateful to live. We hope our future home will help maintain the neighborhood we love and be an asset to it.

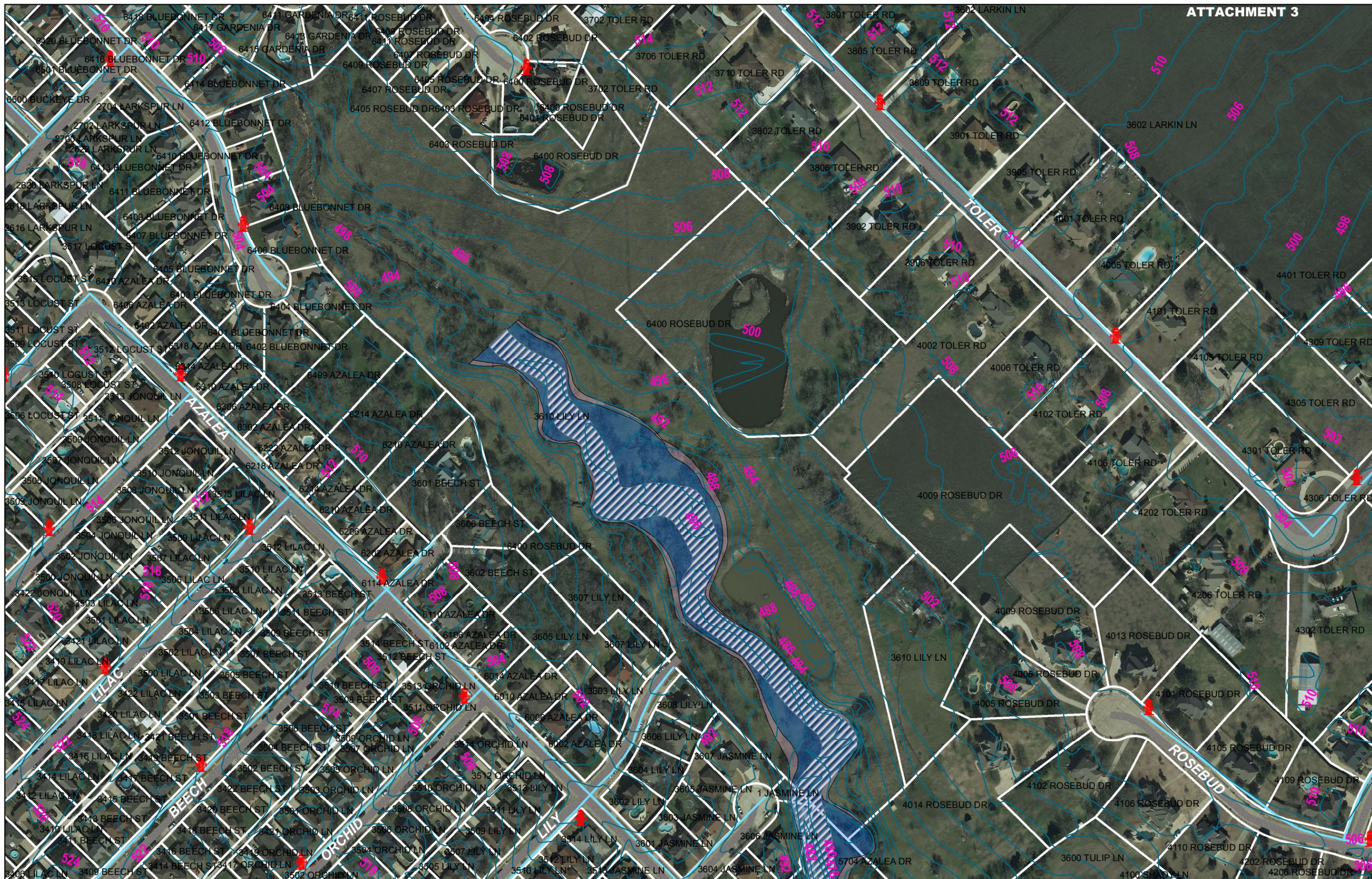
We have worked closely with the planning and zoning department to become familiar with the applicable Zoning Ordinances. We have also sought their expertise and advice on the pursuit of a variance as mentioned above. We are grateful to have the help of the department in this pursuit and their agreement that a variance procedure was warranted under the existing hardship. Please find enclosed a Final Plat, pictures of the flood plain portion of the property, and a map of the flood plain and contours of the land. We appreciate your time and attention in this matter. We truly are thankful to live in Rowlett and to have leaders that help maintain and pursue the future of our community with excellence.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jessica R. McDonald". The signature is stylized and fluid.

Jerry & Jessica McDonald

Citizens of Rowlett, TX





Location of the proposed Lot 10B



3706 Toler Road (sit of the proposed flagpole)



Dead of Lily Lane



East of Lily Lane facing the flood plain area



From east of Lily Lane facing northward



From east of Lily Lane facing southward



Picture of the flood plain area



Pictures of the flood plain area shows topographical changes in the land



Picture of the southern portion of the 21-acre tract



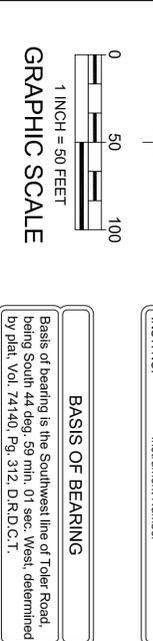
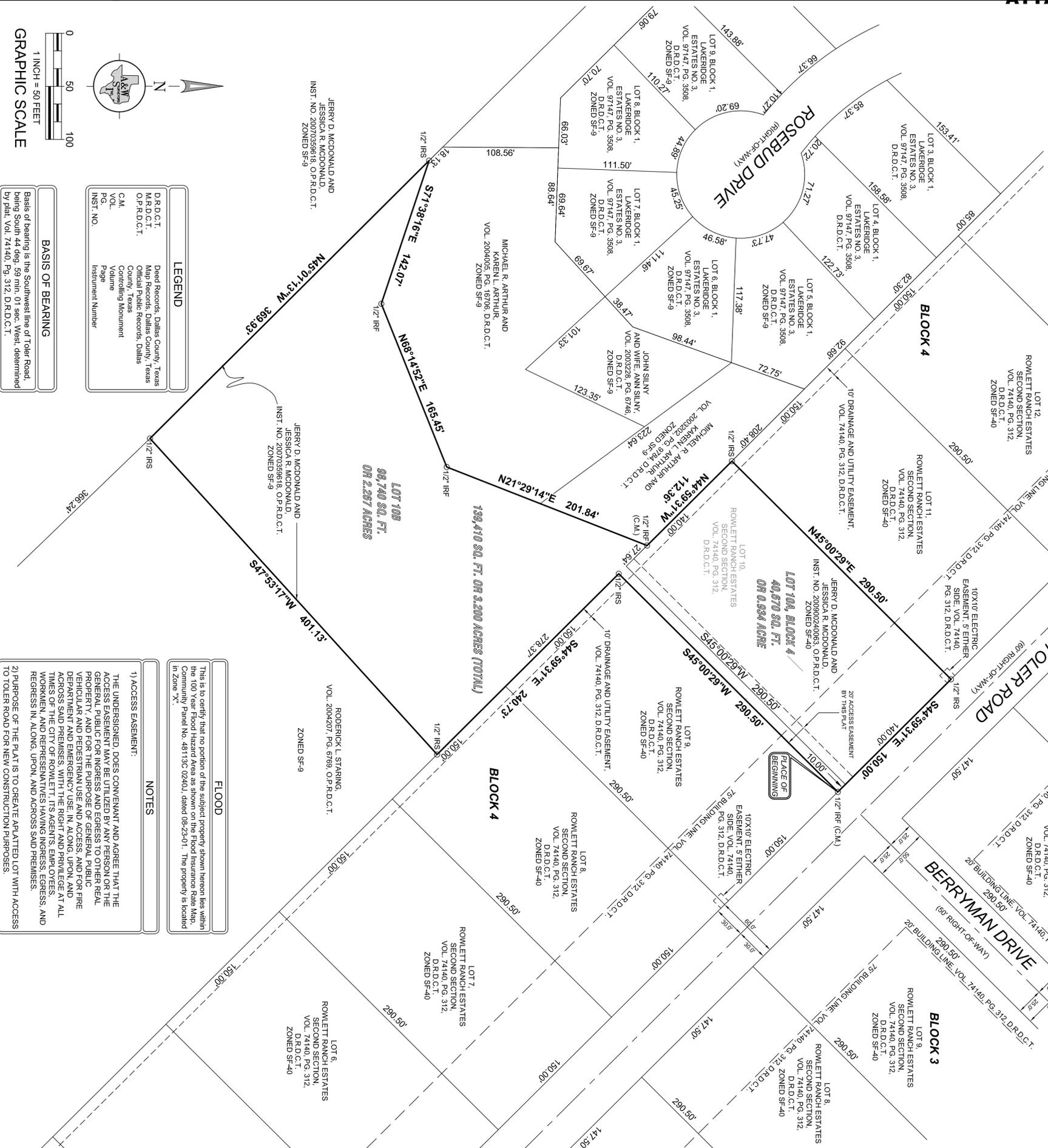
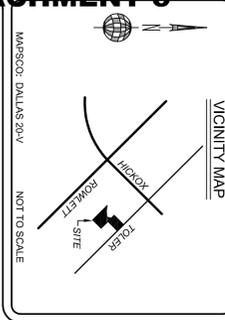
Picture of the northern end of the 21-acre tract



Picture of the 21-acre tract from the west



Picture of the 21-acre tract from the west



LEGEND

D.R.D.C.T.	Deed Records, Dallas County, Texas
M.R.D.C.T.	Map Records, Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
C.M.	Controlling Monument
VOL.	Volume
Pg.	Page
INST. NO.	Instrument Number

BASIS OF BEARING

Basis of bearing is the Southwest line of Toller Road, being South 44 deg 59 min, 01 sec, West, determined by Plat, Vol. 74140, Pg. 312, D.R.D.C.T.

NOTES

1) ACCESS EASEMENT:
THE UNDERSIGNED, DOES CONVEYANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO OTHER REAL PROPERTY, AND FOR THE PURPOSE OF GENERAL PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE, IN, ALONG, UPON AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF ROWLETT, ITS AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON, AND ACROSS SAID PREMISES.

2) PURPOSE OF THE PLATS IS TO CREATE APPLICATED LOT WITH ACCESS TO TOLLER ROAD FOR NEW CONSTRUCTION PURPOSES.

FLOOD

This is to certify, that no portion of the subject property shown hereon lies within the 100 Year Flood Hazard Area as shown on the Flood Insurance Rate Map, Community Panel No. 48113C 02401, dated 08-23-01. The property is located in Zone "X".

OWNERS CERTIFICATE

WHEREAS, Jerry D. McDonald and Jessica R. McDonald are the sole owners of a tract of land located in the REASON CRIST SURVEY, Acreage 225, Rowlett, Dallas County, Texas, and being Lot 10, Block 4, of ROWLETT RANCH ESTATES SECOND SECTION, an addition to the City of Rowlett, Dallas County, Texas, according to the plat bearing 2,287 acres, recorded in Volume 141, Page 312, Deed Records, Dallas County, Texas, Jessica R. McDonald, recorded in Instrument No. 2007035618, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2-inch iron rod found for corner in the Southwest line of Toller Road, a 60-foot public right-of-way, and being at the common North corner of Lots 9 and 10, of said Block 4;

Thence South 45 deg, 00 min, 29 sec, West, a distance of 290.50 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "R.P.S. 5310" set for corner in the Southeast line of said ROWLETT RANCH ESTATES SECOND SECTION, and being the Northeast line of said McDonald tract; and being the common South corner of said Lots 9 and 10;

Thence South 44 deg, 59 min, 31 sec, East, along said Northwest line, a distance of 240.73 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "R.P.S. 5310" set at the North corner of a tract of land described in deed to Rowlett L. Staring, recorded in Volume 2004207, Page 6769, Deed Records, Dallas County, Texas, and being at the East corner of said McDonald tract;

Thence South 47 deg, 53 min, 17 sec, West, a distance of 401.13 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "R.P.S. 5310" set for corner;

Thence North 45 deg, 01 min, 13 sec, West, leaving said Northwest line, a distance of 389.93 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "R.P.S. 5310" set for corner in the Southwest line of a tract of land described in deed to Michael R. Arthur and Karen L. Arthur, recorded in Volume 2004005, Page 16706, Deed Records, Dallas County, Texas;

Thence South 71 deg, 38 min, 18 sec, East, a distance of 142.07 feet to a 1/2-inch iron rod found at a "self corner" of said Arthur tract;

Thence North 68 deg, 14 min, 52 sec, East, continuing along said Southwest line, a distance of 165.45 feet to a 1/2-inch iron rod found at an "self corner" of said McDonald tract;

Thence North 21 deg, 29 min, 14 sec, West, a distance of 201.84 feet to a 1/2-inch iron rod found for corner in the Southwest line of said Lot 10, and being at the East corner of a tract of land described in deed to Michael R. Arthur and Karen L. Arthur, recorded in Volume 5032502, Page 9784, Deed Records, Dallas County, Texas;

Thence North 44 deg, 59 min, 31 sec, West, along the Northeast line of said Arthur tract, a distance of 112.36 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "R.P.S. 5310" set at the common South corner of Lots 10 and 11, of said Block 4;

Thence North 45 deg, 00 min, 29 sec, East, a distance of 290.50 feet to a 1/2-inch iron rod with a yellow plastic cap stamped "R.P.S. 5310" set for corner in the Southwest line of Toller Road, and being at the common North corner of said Lots 10 and 11;

Thence South 44 deg, 59 min, 31 sec, East, along said Southwest line, a distance of 150.00 feet to the PLACE OF BEGINNING and containing 139,410 square feet or 3.200 acres of land.

SURVEYORS STATEMENT

THAT I, John S. Turner, of A&W Surveyors, Inc., do hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Rowlett Planning and Zoning Commission.

DATED this ____ day of _____, 20__.

John S. Turner
Registered Professional Land Surveyor

State of Texas
County of Dallas

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED JOHN S. TURNER, R.P.L.S. NO. 5310, STATE OF TEXAS, KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 20__.

Notary Public

OWNERS DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, Jerry D. McDonald and Jessica R. McDonald, Owners, do hereby bind ourselves and their heirs, assigns and successors of title this plat designating the hereinabove described property as McDONALD TOLLER ADDITION, an addition to the City of Rowlett, and do hereby dedicate to the public use (leave the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity of any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Rowlett, Texas.

WITNESS MY HAND AT DALLAS, TEXAS, this the ____ day of _____, 20__.

Jerry D. McDonald
Owner

Jessica R. McDonald
Owner

State of Texas
County of Dallas

BEFORE ME, the UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED JERRY D. McDONALD, KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AT DALLAS, TEXAS, this the ____ day of _____, 20__.

Notary Public

State of Texas
County of Dallas

BEFORE ME, the UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED JESSICA R. McDONALD, KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

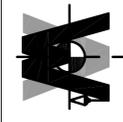
GIVEN UNDER MY HAND AT DALLAS, TEXAS, this the ____ day of _____, 20__.

Notary Public

FINAL PLAT

**LOTS 10A AND 10B, BLOCK 4
MCDONALD TOLLER ADDITION**

AN ADDITION TO THE CITY OF ROWLETT
DALLAS COUNTY, TEXAS
BEING A REPLAT OF
LOT 10, BLOCK 4, ROWLETT RANCH ESTATES SECOND SECTION
AND A FINAL PLAT OF 2,287 ACRES OF LAND OUT OF THE
REASON CRIST SURVEY, ABSTRACT 225



A & W SURVEYORS, INC.

P.O. BOX 870029, MESQUITE, TX 75187
PHONE: (972) 881-4975 FAX: (972) 881-4954
WWW.AMSURVEY.COM



Department of Public Works/
Planning Division

COMMENTS: I am against this as, in my opinion, it will
cause additional unwanted excessive traffic on Tole, Abv,
I do not understand why an exception should be made
when he has adequate access to his property

ADDRESS: 3705, Tole Road
Rowlett, TX 75089

Your written comments are being solicited in the above case. Additional information is available through the Department of Public Works/Planning Division located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at **7:00 p.m. on Monday, February 24, 2014**. 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 Public Works/Planning Division **by 5:00 pm on Wednesday, February 19, 2014**, 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.

<p>If you have any questions concerning this request, please contact Garrett Langford in the Department of Public Works/Planning Division. Phone 972-412-6166 or glangford@rowlett.com</p>	<p>RETURN BY FAX OR MAIL City of Rowlett Department of Public Works/Planning Division PO Box 99 Rowlett, TX 75030-0099 FAX 972-412-6228</p>
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Department of Public Works/
Planning Division

COMMENTS:

I need more information. It looks like the lot on 3706 Toler already has access to their 13 acres behind them, so what is the purpose of creating a "Flag^{pole} lot"?

ADDRESS:

3602 Beech St.
75089

Your written comments are being solicited in the above case. Additional information is available through the Department of Public Works/Planning Division located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at **7:00 p.m. on Monday, February 24, 2014**. 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 Public Works/Planning Division by **5:00 pm on Wednesday, February 19, 2014**, 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 Public Works/Planning Division. Phone 972-412-6166 or glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Department of Public Works/Planning Division
PO Box 99
Rowlett, TX 75030-0099
FAX 972-412-6228

Rec 2/14/2014



Department of Public Works / Planning Division

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a variance
LOCATION:

THE SUBJECT PROPERTY IS LOCATED AT 3706 TOLER RD., BEING A 2.113 ACRE TRACT OF LAND IN THE REASON CRIST SURVEY, ABSTRACT225, ROWLETT, DALLAS COUNTY, TEXAS, AND BEING LOT 10, BLOCK 4 OF THE ROWLETT RANCH ESTATES SECOND SECTION, 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 width requirements for a flag lot outlined in Chapter 77, Section 603.F.2 of the Rowlett Code of Ordinances. In brief summary, the applicant is proposing to replat the subject property, 3706 Toler Rd, in order to create a flag lot. A flag lot is a lot having the configuration of an extended flag and pole. The pole represents access to property located to the rear of another lot fronting a street. In this case, the applicant is creating a flag lot in order to bring access from Toler Road to property located to rear of 3706 Toler Rd. Section 77-603.F.2. of the Rowlett Code of Ordinances states the following:

Flag lots. Flag lots may be allowed subject to the following standards:

- a) Allowed districts. Unless otherwise allowed by the board of adjustment, flag lots shall be allowed only in the residential zoning districts.
b) Frontage. Each flag lot shall have at least 35 feet of street frontage and at least 35 feet of width for the entire length of the "flagpole."
c) Lot area calculation. The area of the "flagpole" portion of the lot shall not be included in the calculation of the minimum lot area.
d) Driveways. Driveways shall be designed to allow vehicles to drive out forward. Shared or common driveways/parking will be considered when two flag lots are contiguous.

The applicant is requesting to replat 3706 Toler Rd in order to create the flag lot. This will reduce the width of the lot at 3706 Toler Road. There is insufficient lot width to create a flag lot width of 35 feet and maintain the minimum lot width of 140 feet for 3706 Toler Road as required by Sf-40 zoning district. To that end, the applicant is requesting a variance in order to allow a flag lot where the flag portion of the lot will be 10 feet in width. A copy of the proposed flag lot is on the back of the notification map.

RECEIVED

FEB 20 2014

PLANNING DEPT

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

6412 Bluebonnet

Garrett Langford

From: Rod Staring [rodstaring@gmail.com]
Sent: Thursday, February 20, 2014 5:33 PM
To: Garrett Langford
Subject: Variance request for 3706 Toler Road

Mr Langford and City officials:

My name is Rod Staring and I live at 3806 Toler Road. Please accept this letter as my formal decision to vote NO on the proposal for the Variance Request and flag pole lot for 3706 Toler Road. There is not enough information in the notice of public hearing to preclude any other response for this request. I haven't seen any building plans, location of proposed structures, their respective location with respect to my adjacent lot ownership of 4.49 acres directly to the south, nor the future plans for continuance of the current and historic wildlife preserve environment I originally purchased my land to be a part of.

Thank you very much for your consideration regarding this vote.

Rod Staring
214.552.6947

RECEIVED
FEB 20 2014
PLANNING DEPT.



Department of Public Works/Planning Division

NOTICE OF PUBLIC HEARING

RECEIVED MAR 01 2014 PLANNING DEPT.

TO: Property Owner
RE: Application for a residential replat
LOCATION: The subject property is located at 3706 Toler Rd., being Lot 10, Block 4 of the Rowlett Ranch Estates Second Section, 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 77-806 of the Rowlett Development Code.

EXPLANATION OF REQUEST: The applicant is requesting to replat the subject property, 3706 Toler Rd, in order to create a flag lot for a future signal family home and to provide access from Toler Road.

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

COMMENTS: We were told this area would never be built out, always would be a nature preserve, and we spent extra money on our lot based upon these commitments, I feel agreeing to this will open the flood gates to further development.
SIGNATURE: Jennie L. Dowsey
ADDRESS: 6408 Bluebonnet

Your written comments are being solicited in the above case. Additional information is available in the Department of Public Works / Planning Division located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on March 11, 2014, at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Planning Department by 5 pm on Wednesday, March 5, 2014, for your comments to be included in the Planning and Zoning Commission packet. Responses received after that time will be forwarded to the Board at the respective public hearing.

Table with 2 columns: Contact information for questions and return instructions by fax or mail.

To: Planning and Zoning division

Re: Application for a variance

Location: 3706 Toler Rd. lot 10, block 4 Rowlett Ranch Estates

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APR 21 2014
PLANNING DEPT.

Property owner Comments:

Under no circumstances do I want a further subdivision of property in my subdivision, in particular this kind. Should this be granted, it would not conform to the Comprehensive land use plan, the existing current subdivision requirements of the SF-40 residential zoning, and be a violation of the spirit of the subdivision regulation in general. Having a 10 foot wide drive way that would extend more than 290 feet in length is not acceptable to a residential property in this area. There would be an issue concerning emergency vehicles, should an emergency event take place on the desired 2.2 acres proposed building. The City of Rowlett would then be liable for not being able to access this property properly.

Apparently the applicant purchased the 2.2 acres with the idea of creating an additional lot in order to build another home or in the very least to create a lot that could be sold for profit to a purchaser. I do not want a compound style of housing, behind other existing homes, on a private drive and not a public street. Should this be allowed, others would also be able to do the same under the equal protection clause. This idea only causes problems when allowed. Should applicant want this, they can move to an area that does not have zoning law nor subdivision regulation. This variance request idea is precisely why subdivision regulations exist, in order to prevent this type of development.

There is a drainage easement at the rear property line of lot 10 that proceeds all the way through the same side of the street through the subdivision. What is the plan for that? Does the applicant have an engineering drainage study for this issue? There would be a necessity to determine how a drive installed at this area would affect the entire subdivision drainage. I would doubt applicant has any idea about that. In addition, there is no plan for the extent of building on the proposed 2.2 acre lot and the drainage issues that WILL arise with any buildings, concrete flatwork or other endeavors. Should a building be built, it would need to be on public water /sewer service since water/sewer is in place in the right of way at 3706 Toler. The existing water main is too small to add more housing on it and there would be problems with a 10 wide driveway placing water and sewer lines under the driveway.

Summary:

I strongly recommend the denial of this request based on the following facts:

1. Chapter 77, Section 603.F.2 of the Rowlett Code of Ordinances requires a 35 foot flag lot width the entire length of the flag.
2. The existing lot 10 cannot accommodate ANY reduction of lot width being 140 feet, as is required.
3. Potential for the City of Rowlett liability in an emergency event.

4. Placing housing behind existing established homes in a compound housing style.
5. Drainage problems associated with this development that the City of Rowlett would have to address at the Cities own expense. Drainage on Toler is already marginal at best. There is no hardship associated with the variance request. It is a self imposed want and desire.
6. Therefore, under the law, there is no allowance for board approval when no hardship is involved.

David Ellis

4002 Toler Rd.





Department of Public Works / Planning Division

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ATTACHMENT 6

APR 21 2014

PLANNING DEPT.

RECEIVED

APR 16 2014

PLANNING DEPT.

NOTICE OF PUBLIC HEARING FOR VARIANCE

TO: Property Owner
RE: Application for a variance
LOCATION: The subject property is located at 3706 Toler Rd., being a 2.267 acre tract of land in the Reason Crist survey, Abstract #225, Rowlett, Dallas county, Texas, and being Lot 10, Block 4 of the Rowlett Ranch Estates 2nd Section, 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 width requirements for a flag lot outlined in Chapter 77, Section 603.F.2 of the Rowlett Code of Ordinances. The applicant is proposing to replat the subject property, 3706 Toler Rd, in order to create a flag lot for a future single family home. A flag lot is a lot having the configuration of an extended flag and pole. The pole represents access to property located to the rear of another lot fronting a street. In this case, the applicant is creating a flag lot in order to bring access from Toler Road to property located to rear of 3706 Toler Rd. Section 77-603.F.2. of the Rowlett Code of Ordinances states that "each flag lot shall have at least 35 feet of street frontage and at least 35 feet of width for the entire length of the "flagpole."

There is insufficient lot width to create a flag lot width of 35 feet and maintain the minimum lot width of 140 feet for 3706 Toler Road as required by SF-40 zoning district. To that end, the applicant is requesting a variance in order to allow a flag lot where the flag portion of the lot will be 10 feet in width.

[] I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

[X] I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I don't want Berryman to be a through Street.

ADDRESS: 3805 Toler Road

Your written comments are being solicited in the above case. Additional information is available through the Department of Public Works/Planning Division located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at 7:00 p.m. on Monday, April 28, 2014. 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 Public Works/Planning Division by 5:00 pm on Wednesday, April 23, 2014, 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 Public Works/Planning Division. Phone 972-412-6166 or glangford@rowlett.com

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Department of Public Works /
Planning Division

NOTICE OF PUBLIC HEARING FOR VARIANCE

RECEIVED
APR 21 2014
PLANNING DEPT.

TO: Property Owner
RE: Application for a variance
LOCATION: The subject property is located at 3706 Toler Rd., being a 2.267 acre tract of land in the Reason Crist survey, Abstract #225, Rowlett, Dallas county, Texas, and being Lot 10, Block 4 of the Rowlett Ranch Estates 2nd Section, 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.

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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:

ADDRESS:

3802 TOLER RD, RALPH & SHIRLEY FAULKNER

Your written comments are being solicited in the above case. Additional information is available through the Department of Public Works/Planning Division located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at **7:00 p.m. on Monday, April 28, 2014**. 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 Public Works/Planning Division by **5:00 pm on Wednesday, April 23, 2014**, 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.

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