



Board of Adjustments (BOA)  
City of Glen Rose, Texas 76043

Tel: (254) 897-9373 Fax: (254) 897-7989

Staff use only  
Date Received: DEC 01 2021  
Fee: \$100.00 Paid on: *[Signature]*

## Request for Board of Adjustment (BOA) Hearing

Address of property: 1800 Texas Dr.

Applicant's Name: Mitchell + Kim Ellis Date: 12/1/21

### Property Owner/Applicant Information

Full Name: Mitchell + Kim Ellis

Address: 1800 Texas Dr. Glen Rose, TX 76043

Telephone No: \_\_\_\_\_ Email: \_\_\_\_\_

Present zoning at site: R1

I am requesting this hearing for the following reason(s):

☒ Setback variance for ☐ side yard ☒ rear yard ☐ front yard

☐ Lot size variance ☐ Lot coverage variance

☐ Lot frontage width variance ☐ Lot depth variance ☐ Building height variance

☒ Challenging the decision of the ☐ Zoning Administrator ☒ Building Official  
☐ Other City Official

Explain, in detail, the reason for appearing before the BOA: (Use a separate page if necessary.)

Attach all photos, maps, drawings, etc).

Applicant is requesting variance for an accessory building at 1800 Texas Dr. R1 zoning states that accessory buildings be in the "rear" of the lot; however, this is not feasible given the 18.78 acres the home currently sits. The proposed site for the accessory building is approximately 300ft to the "side" of the residence. The accessory building site is not visible from any roadway or neighboring residence. Thank you for your time and consideration.

I hereby certify that all the information provided is true and correct to the best of my knowledge.

Applicant's Signature:

*[Signature]*

Date: 12/1/21

## **NOTICE OF PUBLIC HEARINGS**

**THE CITY OF GLEN ROSE  
BOARD OF ADJUSTMENT (BOA)  
TUESDAY, JANUARY 11, 2022, AT 5:30 P.M.  
CITY COUNCIL CHAMBERS  
201 NE VERNON ST**

The BOA will meet to discuss and take action on a variance request from the minimum setback requirements for carports and accessory buildings at 1800 Texas Drive for the placement of an accessory building in front portion of lot. Request submitted by property owners, Mitchell & Kim Ellis



**Building, Planning and Code Enforcement Department**  
**201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043**  
(254) 897-2272 Fax: (254) 897-7989

December 16, 2021

**Public hearing, discussion and possible action by the Board of Adjustment at the request of Mitchell and Kim Ellis, owner, for a variance request from the minimum setback requirements for carports and accessory buildings at 1800 Texas Drive for the placement of an accessory building in front portion of lot.**

Dear Property Owner:

This letter is to inform you of a setback variance request in the area of your property ownership near 1800 Texas Drive. The purpose of the variance is to allow for the construction of an accessory structure. State law requires the City to notify all property owners (most recent tax rolls) within 200' of the proposed request. The Board of Adjustment will hold a public hearing on January 11, 2021, at 5:30 p.m. in the City Council Chambers of City Hall, 201 NE Vernon Street, Glen Rose, Texas, 76043 to hear public comment on this request for variance. Immediately following the public hearing, the Board of Adjustment will take action to approve or deny the request.

It is important that you submit your opinion in writing to the Building and Planning Office for consideration by the Board. A form is included with this letter which you may mail or return to one of the drop boxes located at City Hall.

Questions regarding the variance request or this letter may be directed to Kyle Reeves, (254)-897-2272, ext:104. Thank you.

Sincerely,

Building and Planning / Code Enforcement

# NOTICE OF PUBLIC HEARING



**City of Glen Rose, Texas**  
**Building, Planning, Code Enforcement Department**  
**P.O. Box 1949, Glen Rose, TX 76043**  
**Ph: (254) 897-2272** **Fax: (254) 897-7989**

**Re: Setback Variance Request for property located at 1800 Texas Drive.**

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 7643.

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**I AM    (    ) IN FAVOR    (    ) IN OPPOSITION    TO THIS REQUEST.**

**Reasons/Comments:**

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**Kyle Reeves,**  
**Building and Planning / Code Enforcement**

#### **14.02.042 R-1 Single-Family Residential District**

1. Purpose. The R-1 Single-Family Residential District is established to allow for single-family dwellings.
2. Permitted uses. The uses permitted in the R-1 district include those listed in the schedule of uses found in appendix A of this article. Any use not expressly authorized and permitted herein is expressly prohibited in this district, unless otherwise allowed in conformance with section 14.02.107 dealing with new and unlisted uses.
3. Specific use permit. In order to allow for certain uses which, because of their nature or unusual character, cannot be unconditionally permitted in this district, yet would or could be an appropriate or compatible use under certain controlled circumstances and locations, the planning and zoning commission shall forward its recommendations of action to the city council, after public hearing thereon. The city council shall hold a public hearing and may authorize and grant the issuance of a specific use permit for those uses allowed in the schedule of uses in appendix A of this article. The issuance of the permit by the city council shall be contingent upon reasonable and appropriate conditions and safeguards, including the length of time, so as to properly protect any adjacent property, use or neighborhood character, as well as ensure the appropriate conduct of the conditional use of the land and buildings granted.
4. Area, yard, height, lot coverage and building size. The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percentage of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the schedule of district regulations found in section 14.02.041 and any other applicable regulations as herein provided.
5. Parking requirements. Off-street parking space requirements shall be in accordance with the parking schedule found in appendix A of this article and section 14.02.104. Parking for at least 2 motor vehicles shall be provided by an enclosed garage or carport for any single-family dwelling constructed after the date of adoption of this article.
6. Sales displays prohibited.
  1. Garage sales shall be permitted in accordance with this Code of Ordinances.
  2. It shall be unlawful for any person to display or allow to be displayed for sale or lease at one time on any lot any motor vehicle; boat or vessel subject to registration under Texas Parks & Wildlife Code chapter 31; or camper shell designed for use on a motor vehicle unless such vehicle is owned by the actual occupant of the premises. However, no person or persons shall be permitted to display more than 2, or combination thereof, of the following: motor vehicles; boats or other similar vessels subject to registration under Texas Parks and Wildlife Code chapter 31; or camper shells per lot at any time.
7. Minimum setback requirements for carports and accessory buildings. Detached accessory buildings shall be located within the rear portion of the lot and shall not exceed one story in height, nor shall any structure be located closer than 3 feet to the main building nor 4 feet to a side lot line, nor closer than 5 feet to any rear lot line nor closer than 10 feet to any side street. Small structures of 200 square feet or less may be placed anywhere in the rear half of the lot.

(Ordinance 240 adopted 3/15/94; Ordinance adopted 9/9/97; 2007 Code, sec. 155.16; Ordinance 17.02.13A adopted 2/13/17)



Instrument No. 20070448,  
SCOPR, Slide No. 144

0536  
3.1.21.64N

**Block 5**  
**Gibbs Industrial Park**  
**Second Filing**  
**Volume 6, Page 578,**  
**SCRPR, Slide No. 52**

5. Blog. Lines 5 U. 3  
Vol. 9 Pg. 160  
(101 and 12002)

4° 57' 01.12"  
A=233.95  
Oroy Bros.  
N29° 28' 30" W  
223.33  
L=232.82

~~C4  
4- 32 57 14  
A=304 91  
Chordy BRS  
S47 14 45  
112.89  
L 125.30~~

**Texas Drive**

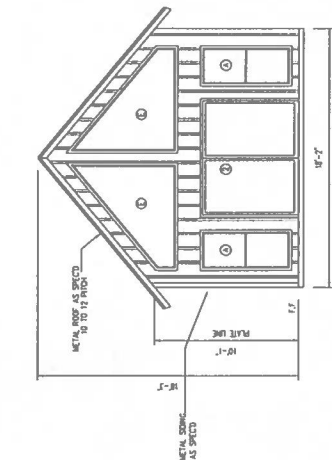
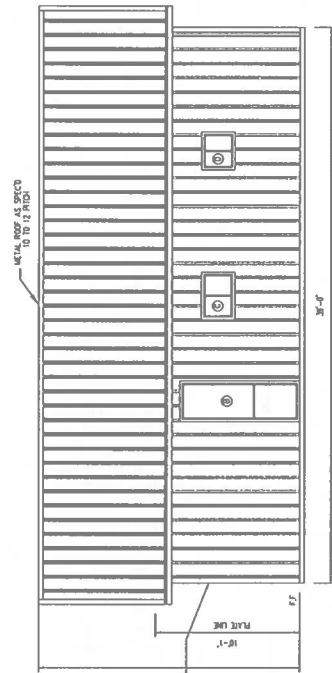
**Electus Creek Addition**  
**Volume 51, Page 118,**  
**SCRPR, Slide No. 68**

0.39 Acres  
Byron Stinson, et al  
to  
Justin Stinson  
July 18, 2006

C2  
A= 42.48.28  
B=190.62

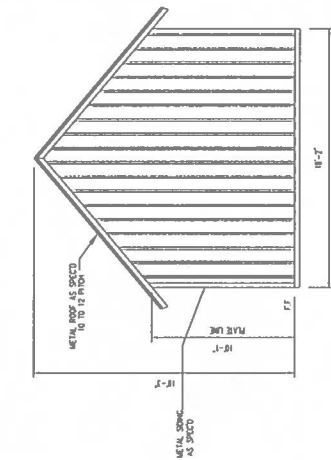
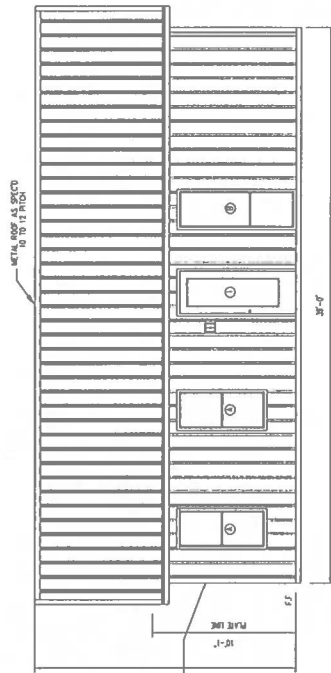
**Gibbs Industrial Park**  
**Second Filing**

DRAWING INDEX  
A-1 FLOOR/ ELEC/ ROOF  
ELEVATIONS  
A-2 DRAIN STUB-UP  
DIMENSION



REAR ELEVATION  
1/4"=1'-0"

RIGHT ELEVATION  
1/4"=1'-0"



FRONT ELEVATION  
1/4"=1'-0"

LEFT ELEVATION  
1/4"=1'-0"

TITLE	SPACE	LIST	SO.F.T.
ACCESSORY BLDG			708
TOTAL			708

NO.	SIZE	MATERIAL
1	3'-0" x 8'-0"	B EXTERIOR DOOR SINGLE LITE (FRONT)
2	3'-0" x 8'-0"	B EXTERIOR ALUM. SLIDER
3	3'-0" x 8'-0"	B INTERIOR WOOD RAISED PANEL
4	3'-0" x 8'-0"	B INTERIOR WOOD RAISED PANEL
5	1'-6" x 6'-0"	B INTERIOR WOOD RAISED PANEL BIFOLD

NO.	TYPE	SIZE
A	VERTICAL SINGLE HUNG ALUM	3'-0" x 6'-0"
B	VERTICAL SINGLE HUNG ALUM	3'-0" x 8'-0"
C	HORIZ. SLIDER ALUM	3'-0" x 2'-0"
D	HORIZ. SLIDER ALUM	2'-4" x 2'-0"
E	FIXED GLASS ALUM (CUSTOM V.I.F.)	

GENERAL NOTES:

- ALL WALLS SHALL BE 16" O.C. UNLESS NOTED OTHERWISE BY CONTRACTOR.
- ALL CEILING JOIST AND ROOF RAFTERS SHALL BE 24" O.C. UNLESS OTHERWISE NOTED BY CONTRACTOR.
- WALLS SHALL BE CONFORM TO ALL APPLICABLE CODES & ORDINANCES.
- ALL CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE CODES & ORDINANCES.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL PROVIDE THE OWNER WITH A COMPLETE LIST OF ALL PRODUCTS, APPLIANCES & MATERIALS TO BE USED PRIOR TO PURCHASE & INSTALLATION.
- THE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS & INSPECTIONS.
- THE CONTRACTOR SHALL PROVIDE ALL THE NECESSARY CALCULATIONS, DIMENSIONS, AND OTHER REQUIREMENTS FOR THE DESIGN AND INSTALLATION OF THE FOUNDATION.
- THE FOUNDATION SHALL BE DESIGNED BY A PROFESSIONAL STRUCTURAL ENGINEER CURRENTLY REGISTERED IN THE STATE OF TEXAS WHO HAS AT LEAST FIVE YEARS EXPERIENCE IN THE DESIGN OF FOUNDATIONS FOR BUILDS IN THE DALLAS/FORT WORTH AREA.
- ALL REQUIRED SOIL TESTING, INVESTIGATIONS, LAB ANALYSES AND OTHER REQUIRED DATA SHALL BE PROVIDED BY THE CONTRACTOR.

- NOTES:
- ALL WALLS ARE EXTERIOR UNLESS NOTED OTHERWISE BY CONTRACTOR.
  - ALL ROOF ROADS ARE COMBLED ONLY AND NOT TO BE USED FOR ANY OTHER PURPOSES.
  - ALL CEILING JOISTS IN 16" O.C. UNLESS NOTED OTHERWISE BY CONTRACTOR.
  - ALL CEILING JOISTS ARE COMBLED ONLY AND NOT TO BE USED FOR ANY OTHER PURPOSES.
  - ALL CEILING JOISTS ARE COMBLED ONLY AND NOT TO BE USED FOR ANY OTHER PURPOSES.







## **14.02.153 Board Of Adjustment**

### **(a) Organization of board of adjustment.**

- (1) There is hereby created a board of adjustment which, pursuant to section 211.008(g) of the Texas Local Government Code, shall consist of all the members of the City's governing body. The Mayor shall serve as the chairperson and the Mayor Pro Tem shall serve as the vice-chairperson. All cases to be heard by the board will always be heard by a minimum of 4 members.
- (2) The board shall adopt rules to govern its proceedings; provided, however, that the rules are not inconsistent with this article or state law. Meetings of the board shall be held at the call of the chairperson and at other times as the board may determine, and in accordance with the Texas Open Meetings Law. The chairperson, or in his or her absence, the vice-chairperson or acting chairperson, may administer oaths and compel the attendance of witnesses.
- (3) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the city secretary and shall be a public record.

### **(b) Appeals to board.**

- (1) Appeals to the board can be taken by any person aggrieved by any decision of the city administrator or his or her designated zoning administrator, or by any officer or department of the city. This appeal shall be filed within 15 days after the decision has been rendered by the city administrator or administrative officer by filing with the city secretary and with the board of adjustment, a notice of appeal specifying the grounds thereof. The administrative officer or department from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the records upon which the action appealed from was taken.
- (2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the city administrator or designated administrative officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him or her, that by reasons of facts stated in the certification, a stay would, in his or her opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
- (3) No appeal to the board for a variance on the same piece of property shall be allowed prior to the expiration of 180 days from a previous ruling of the board on any appeal to that body unless other property in the immediate vicinity has, within the 180-day period, been changed or acted on by the board or city council so as to alter the facts and conditions on which the previous board action was based. This change of circumstances shall permit the rehearing of an appeal by the board, prior to the expiration of the 180-day period, but the conditions shall in no way have any force in law to compel the board, after a hearing, to grant a subsequent appeal. The subsequent appeal shall be considered entirely on its merits and the peculiar and conditions related to the property on which the appeal is brought.
- (4) At a public hearing relative to any appeal, any interested party may appear in person or by his or her agent or attorney. The burden of proof shall be on the applicant to establish

the necessary facts to warrant favorable action of the board on any appeal or variance request. Any variance granted or authorized by the board under the provisions of this article shall authorize the issuance of a building permit or certificate of occupancy, as the case may be, for a period of 90 days from the date of the favorable action of the board, unless the board shall have in its action approved a longer period of time and has so shown the specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been applied for within the 90-day period or such extended period as the board may have specifically granted, then the variance shall be deemed to have been waived and all rights thereunder terminated. This termination and waiver shall be without prejudice to a subsequent appeal and the subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

(c) Actions of board.

- (1) In exercising its powers, the board may, in conformity with the provisions of the statutes of the State of Texas, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the city administrator or other administrative official from whom the appeal is taken. The board shall have the power to impose reasonable conditions to be complied with by the applicant.
- (2) The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision or determination of the city administrator or other administrative official, or to decide in favor of the application for a specific use permit on any appearance or any variance.

(d) Notice of hearing before board.

- (1) The board shall hold a public hearing on all appeals requests and variance requests made to it, and written notice of the public hearings shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. This notice shall be given no less than 10 days before the date set for hearing to all owners who have rendered their property for city taxes as the ownership appears on the last city tax roll. This notice may be served by depositing the same, properly addressed and postage paid, in the United States post office. Notice shall also be given by publishing the same in the official publication of the city at least 10 days prior to the date set for hearing, which notice shall state the time and place of the hearing.
- (2) Additionally, the city administrator should erect a sign on the property of which a variance has been requested. The sign shall be erected adjacent to a street if possible and in a conspicuous place. The sign should have an area of 4 or more square feet. The sign should state that a request for a variance has been made on that particular property and the telephone number of the city offices from where the dates of public hearings and more information about the zoning request may be obtained. The sign should be erected prior to the hearing as early as possible and convenient. The erection and continued maintenance of this sign, however, shall not be deemed a condition precedent to the granting of any zoning variance, or the holding of any public hearing.

- (e) Jurisdiction of board. When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance and discontinuance of a nonconforming use:

- (1) To hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the city administrator or other zoning administrator in the enforcement of this article;
- (2) Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in section 14.02.004 apply;
- (3) Initiate on its motion or cause presented by interested property owners action to bring about the discontinuance of a nonconforming use;
- (4) Require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this article;
- (5) Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of section 14.02.108;
- (6) Permit the enlargement of a nonconforming use in accordance with the provisions of section 14.02.108;
- (7) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by the building, provided the reconstruction does not, in the judgment of the board, prevent the return of the property to a conforming use or increase the nonconformity of a nonconforming structure beyond what is permitted by section 14.02.108;
- (8) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated or substandard; and
- (9) Permit a variance such as the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, or building, where the literal enforcement of the provisions of this article would result in an unnecessary hardship, or where the variance is necessary to permit development on a specific parcel of land which differs from other parcels of land in the same district by being of an area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

(f) Appeals of board action. Any person or persons, jointly or severally aggrieved by any decision of the board, any taxpayer or any officer, department or board of the municipality may present to a court of record (district court) a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of illegality. This petition shall be presented to the court within 10 days after the decision of the board and not thereafter.

(Ordinance 240 adopted 3/15/94; 2007 Code, sec. 155.62; Ordinance 2019.18.03C adopted 3/18/19)

**State law reference**—Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.









Board of Adjustments (BOA), City of Glen Rose, Texas  
P.O. Box 1949, Glen Rose, Texas 76043

## **BOARD OF ADJUSTMENTS (BOA) DETERMINATION**

**For a variance request from the minimum setback requirements for carports and accessory buildings at 1800 Texas Drive for the placement of an accessory building in front portion of lot.**

Date and time of public hearing: **Tuesday, January 11, 2021 at 5:30 p.m.**

Purpose of hearing: **Public hearing, discussion and action on the request of Mitchell and Kim Ellis, owner, for variance request from the minimum setback requirements for carports and accessory buildings for the placement of an accessory building in front portion of lot. Tract: 169-6, Abst: A136-GP, GIBBS INDUSTRIAL PARK ABST 136 MILAM CO SCH LD, LOT 169-6, ACRES 18.78, 1800 Texas Drive Glen Rose, Texas, zoned R-1 (Single-Family Residential District).**

After considering all information submitted, the Board of Adjustments has made the following determination:

- ☐ Deny the variance.
- ☐ Approve the variance.
- ☐ Approve the variance with the following provisions.

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Signature

Position: Chairman, Board of Adjustments

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Date

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## Exhibit (A)

Kyle Reeves

1800 Texas Drive - BOA

At 11:04 am on Wednesday, December 29, 2021, I received a phone call from Sheri Timmons who owns 106 Camelot St. She was asking about a Certified Letter that was sent from our office. She is out of town and unable to get the Certified Letter in time. I told her that her neighbor at 1800 Texas Dr. is requesting to build an accessory building on the "side" of their residence instead of the "back" as stated in the ordinances.

She commented that she didn't care one way or the other.

--

Jodi Holthe

***City of Glen Rose, Texas***

***Planning/Permit/Code Compliance Department***

***(254) 897-2272***