



# MINUTES

FOR THE

## SEAGOVILLE BOARD OF ADJUSTMENTS

**Meeting scheduled to begin at 6:30 p.m.,**

**Thursday, July 11, 2019**

in the Council Chambers of City Hall,

located at 702 North U.S. Highway 175 – Seagoville, Texas

Chairman Jerry Yearout declared a quorum present and called the meeting to order at 6:30 p.m.

Chairman: Jerry Yearout  
Board Member: Sidney Sexton  
Board Member: Nancy Ashley  
Board Member: Lorin Mullens

City Staff present: Community Development Director Ladis Barr, and Administrative Assistant Casey Fillmore

Chairman Yearout led the invocation.

Board Members led in reciting the Pledge of Allegiance.

### **1. Approval of Minutes**

Discuss and consider approval Board of Adjustment meeting minutes for June 13, 2019

*Motion to approve the Minutes for June 13, 2019. - Board Member Sexton, seconded by Board Member Mullens. The motion passed with all ayes. 4/0*

### **2. Elect Chairperson and Vice-Chairperson**

A. Elect the following two (2) Board Positions  
(Terms expire June 2019)

1. Chairperson
2. Vice-Chairperson

*Board Member Sexton requested that Chairperson remain the same, motion to approve that Chairman Yearout continues for another year- Board Member Sexton, seconded by Board Member Mullens. Motion passed with all ayes. 4/0*

*Chairman Yearout nominated Board Member Ashley for Vice-Chairperson. After some discussion, motion to approve Board Member Ashley as the Vice-Chairman. - Chairman Yearout, seconded by Board Member Sexton. Motion passed with all ayes. 4/0*

*[At this time, Chairman Yearout administered the oath and read aloud the unnecessary true hardship to members of the audience providing testimony during the public hearings.]*

**3. Variance Request #V2019-05:** *Conduct a public hearing to discuss and consider a request from Charles Miller, owner of 509 North Kaufman Street, from Section 21.08.004(e) and Section 21.08.004(f) of the City's Building Regulations on the John D. Merchant Abstract 850 Page 095, of the Deed Records of Dallas County, Seagoville, Texas, for a variance from the maximum height of eight (8') feet for a fence located on each side of the property line including the rear property line.*

*Chairman Yearout opened the public hearing at 6:38 p.m.*

*Community Development Director Barr stated that Charles Miller, owner of 509 North Kaufman Street, applied for a fence permit back on October 26, 2018. He added that a permit was issued for an eight (8') foot fence on November 8, 2018. He made mention that an inspection was conducted on May 9, 2019. Upon inspection, it was noted that in several areas the fence was above the maximum height that is allowed by code: eight (8') feet above ground level.*

*Adrian, and Charles Miller, husband and wife and owners of 509 North Kaufman Street, began a presentation through PowerPoint. The presentation had several pictures that related to the subject property and the reason why a variance was requested for the fence to be above eight (8') feet.*

*In response to a question from Chairman Yearout, Mr. Miller stated that at the tallest location the fence is eight feet eight inches (8'-8") in height, which is located in the rear of the subject property.*

*Board Member Sexton stated that by law each variance will be looked at individually. Therefore, no comparisons can made to other properties in the surrounding area.*

*Mr. Miller mentioned he had consulted a fence company in the process of building the fence. He added that the fence company advised him of adding a kick board to the bottom which makes the fence a little taller than eight feet (8').*

Board Member Sexton stated the property behind the subject property was there before the house was purchased by Mr. Miller. Therefore, the noise and light conditions existing before the property was purchased by the applicants.

Mrs. Miller stated that there are a few spots where the fence touches the ground, making it the maximum eight (8') feet in height. She added that most of the fence is over the eight (8') feet requirement by a couple of inches due to the kickboard. The variance request is just the inches that the kickboard adds to the fence. Mrs. Miller stated the kickboard was added to help with flooding, yard maintenance, and to maintain the life of the fence.

In response to a question from Board Member Ashley, Community Development Director Barr stated that the light from the pole behind 509 North Kaufman Street will have to be measured to see if it is exceeding the property line. He added that if the light is penetrating into the subject property that a new light would need to be installed.

Board Member Mullens made mention that if the property had been leveled before the fence was constructed that no variance would be needed. He added that the kickboard should be part of the fence and would not make it over the maximum eight (8') feet that is allowed by code.

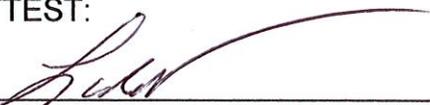
Chairman Yearout closed the public hearing at 7:22 p.m.

After some discussion, a motion was made to deny the request of Charles Miller, owner of 509 North Kaufman Street, for the variance from Section 21.08.004(e) from the City Zoning Ordinance for the height of the fence to exceed eight (8') feet on the side yard of the property and from Section 21.08.004(f) from the City Zoning Ordinance for a variance for the height of the fence to exceed eight (8') feet on the rear of the property.- Board Member Sexton, seconded by Chairman Yearout. Motion passed with all ayes. 4/0

The meeting adjourned at 7:29 p.m.

  
CHAIRMAN  
JERRY YEAROUT

ATTEST:

  
COMMUNITY DEVELOPMENT DIRECTOR  
LADIS BARR