



MINUTES
FOR THE
SEAGOVILLE BOARD OF ADJUSTMENTS
Meeting scheduled to begin at 6:30 p.m.,
Thursday, January 9, 2020
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
Vice-Chairman: Nancy Ashley
Board Member: Sidney Sexton
Board Member: Lorin Mullens

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

Board Member Sexton 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 July 11, 2019

Motion to approve the Minutes for July 11, 2019. - Board Member Sexton, seconded by Board Member Mullens. The 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.]

2. Variance Request #V2020-01: Conduct a public hearing to discuss and consider a request from Jose Ramirez, owner of 410 Ard Road, from Section 21.02.153(b) to reduce the minimum side yard setback from six (6') feet to five (5') feet of the City's

Zoning Ordinance on Tract 25 of the Herman Heider Abst 541 Pg 440, of Dallas County, Seagoville, Texas.

Chairman Yearout opened the public hearing at 6:34 p.m.

Community Development Director Barr stated that he was conducting an inspection on Ard Road when he noted that there was construction going on at 410 Ard Road. Upon inspection, it was noted that no permits were posted on-site for the construction of the storage building on the property.

Community Development Director Barr stated that a stop-work order was issued on February 15, 2019, to the owner of the property and the builders at that time. He added that the permit for the storage building was applied for on June 7, 2019, by the owner, Jose Ramirez.

Community Development Director Barr stated that at the time of application for the permit that Mr. Ramirez was informed about the proper setbacks for a storage building, six (6') feet for the side yard setback. Upon inspection on September 27, 2019, it was noted that the side yard setback measured seven (7') feet making it exceed the minimum side yard setback by one (1) foot.

Jose Ramirez, owner of 410 Ard Road, apologized for starting to building the storage building without proper permits. He added that when he applied for the permit he wrote on the plans for the storage building what the planned setback for the storage building was.

Mr. Ramirez stated that the concrete was already poured for the storage building's foundation. He stated that when he picked up the permit for 410 Ard Road he noted that the plans stamped read "Accepted with Comments" and interpreted that to mean that the setbacks he wrote on the plans where accepted.

Community Development Director Barr requested to see the plans for 410 Ard Road that Mr. Ramirez had brought with him. He stated that the setback requirements were stamped on the front of the plans for the storage building. He added that according to the plans for the storage building it appeared that the six (6') feet side yard setback was met.

In response to a question from Community Development Director Barr, Mr. Ramirez stated that a foundation survey had been submitted and that if he had been made aware that the setback was being violated, he would have not built the storage building.

Community Development Director Barr stated that if the building was used strictly for storage only, then the six (6') foot setback for the rear yard would be satisfactory. He added that the building could not be used as a garage or to park any vehicles under the awning or porch area of the building with only a six (6') foot setback.

In response to a question from Community Development Director Barr, Mr. Ramirez stated that the foundation survey does not show the side yard setbacks on the subject property for the storage building.

In response to a question from Board Member Sexton, Community Development Director Barr stated that if the setback requirements are not met then the building would have to be reconstructed to meet the setbacks.

Chairman Yearout inquired about the setback for the side yard, Community Development Director Barr added that the minimum side yard setback is six (6') feet.

Chairman Yearout closed the public hearing at 6:49 p.m.

After some discussion, a motion was made to deny the request of Jose Ramirez, owner of 410 Ard Road, for the variance from Section 21.02.153(b) from the City zoning Ordinance for the storage building to reduce the minimum side yard setback of six (6') feet. - Board Member Mullens, seconded by Board Member Sexton. Motion passed with all ayes. 4/0

3. Variance Request #V2020-02: Conduct a public hearing to discuss and consider a request from Jose Ramirez, owner of 410 Ard Road, from Section 21.02.153(c) to reduce the minimum rear yard setback from twenty-four (24') feet to seventeen (17') feet of the City's Zoning Ordinance on the Herman Heider Abst 541 Pg 440, of Dallas County, Seagoville, Texas.

Chairman Yearout open the public hearing at 6:34 p.m.

Community Development Director Barr stated that this item is the same address as the first hearing with the difference being that this is discussing the rear setbacks at 410 Ard Road for the same storage building.

Community Development Director Barr stated that according to the plans, it showed that the twenty-four (24') foot rear yard setback was going to be met. Upon inspection, it was noted that the rear setback was not met.

In response to a question from Chairman Yearout, Community Development Director Barr stated that if any vehicles are parked in or under the storage building, then a citation would be issued.

Board Member Mullens stated that the storage building was not built according to the plans. He added that the slab for the storage building was poured before the permit was applied for.

Community Development Director Barr requested the file for 410 Ard Road. Upon review of the file, it was noted that the copy of the plans in the file did not match the setbacks on the copy of plans that Mr. Ramirez presented at the hearing.

Chairman Yearout stated that the unsigned plat in the file compared to the plans for the storage building for 410 Ard Road had discrepancies on the size of the lot and setbacks.

Community Development Director Barr stated that a survey will need to be obtained to determine the true size of the lot and setbacks of where the storage building sits on the property.

Chairman Yearout closed the public hearing at 6:49 p.m.

A motion was made to table the request of Jose Ramirez, owner of 410 Ard Road for the variance from Section 21.02.153(c) from the City zoning Ordinance for the storage building to reduce the minimum rear yard setback of twenty-four (24') feet until a survey can be obtained for the property. - Board Member Sexton, seconded by Chairman Yearout. Motion passed with all ayes. 4/0

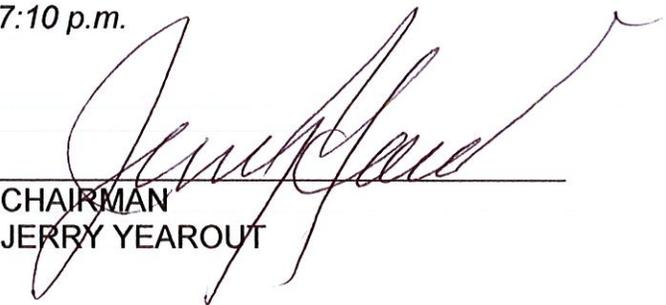
At 7:08 p.m. Chairman Yearout reopened the Public Hearing #V2020-01.

A motion was made to rescind the denied request of Variance Request #V2020-01.- Board Member Lorin, seconded by Board Member Sexton. Motion passed with all ayes. 4/0

A motion was made to table request of Variance Request #V2020-01- Board Member Sexton, seconded by Board member Mullens. Motion passed with all ayes. 4/0

Chairman Yearout closed the public hearing at 7:10 p.m.

The meeting adjourned at 7:10 p.m.



CHAIRMAN
JERRY YEAROUT

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR
LADIS BARR