



MINUTES
FOR THE
SEAGOVILLE BOARD OF ADJUSTMENTS
Meeting scheduled to begin at 6:30 p.m.,
Thursday, June 25, 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

Chairman Yearout led the invocation.

Board Members led in reciting the Pledge of Allegiance.

1. Approval of Minutes

Discuss and consider approval of Board of Adjustment meeting minutes for January 9, 2020

Motion to approve the minutes for January 9, 2020. - Board Member Sexton, seconded by Board Member Mullens. The motion passed with all ayes. 4/0

2. Recess into Executive Session

The Board of Adjustments will recess into Executive Session in compliance with Texas Government Code:

- a. Section § 551.071. Consultation with attorney to seek legal advice regarding pending litigation or settlement offer: Charles Miller v. Board of Adjustment, City of Seagoville, Cause No. DC-19-10489 in the 134th Judicial District Court of Dallas County, Texas

Chairman Yearout recessed into Executive Session at 6:42 p.m.

3. Reconvene into Regular Session

The Board of Adjustments will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

- a. Section § 551.071. Consultation with attorney to seek legal advice regarding pending litigation or settlement offer: Charles Miller v. Board of Adjustment, City of Seagoville, Cause No. DC-19-10489 in the 134th Judicial District Court of Dallas County, Texas

Chairman Yearout reconvened into Regular Session at 7:02 p.m.- No action taken

[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.]

4. **Public Hearing: #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 four (4') feet and five (5") inches of the City's Zoning Ordinance on the Herman Heider Abst 541 Pg 440, of Dallas County, Seagoville, Texas.

Chairman Yearout removed from table, and opened the public hearing at 7:07 p.m.

Community Development Director Barr stated that in the last meeting a survey was requested to determine the setbacks for the side yard on the subject property.

Community Development Director Barr stated that the side yard setback is six (6') feet required by the Zoning Code. According to the survey of the property, it shows the structure to be four (4') feet five (5") inches from the property line. This caused a one (1') foot seven (7") inches shortage on the side yard setback.

Jose Ramirez, owner of 410 Ard Road, stated that he did begin the project without proper permits and apologized. He added that he submitted plans showing the setbacks of the structure and upon receiving the plans after review he noted the plans where stamped "Approved with comments".

Mr. Ramirez stated that his interpretation was that the plans was accepted with the comments he had marked on the plans and proceeded with building the structure.

Chairman Yearout closed the public hearing at 7:10 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

5. **Public Hearing: #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 seven (7') feet and six (6") inches of the City's Zoning Ordinance on the Herman Heider Abst 541 Pg 440, of Dallas County, Seagoville, Texas.

Chairman Yearout removed from table, and opened the public hearing at 7:29 p.m.

Mr. Ramirez stated the building was started without the correct measurements. He added that he misinterpreted the "Accepted with comments" as if they were accepted with his comments that he made on the plans.

Chairman Yearout closed the public hearing at 7:30 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(c) from the City zoning Ordinance for the storage building to reduce the minimum rear yard setback of twenty-four (24') feet. - Board Member Sexton, seconded by Board Member Mullens. Motion passed with all ayes. 4/0

6. **Public Hearing: #V2020-03** Conduct a public hearing to discuss and consider a request from Juan Villa, owner of 605 Fran Street, from Section 25.02.153(g) to reduce the minimum depth of lot of one hundred twenty (120') feet to one hundred thirteen (113') feet of the City's Zoning Ordinance on the Villa Enterprise Addition, Lot 1, Block 1, of Dallas County, Seagoville, Texas.

Chairman Yearout open the public hearing at 7:35 p.m.

Community Development Director Barr stated the owner is wishing to build a home on the property but once the lot was platted the City had to take right-of-way for the street. This made the subject lot seven (7') feet short of the required depth per the Zoning Ordinance.

In response to a question from Board Member Mullens, Community Development Director Barr stated that the City created the hardship due to taking right-of-way required by code. This required action caused the lot to be short in the depth requirement.

Juan Villa, owner of 605 Fran Street, stated that he is looking forward to the opportunity to build a beautiful house for another family to be able to live in the City of Seagoville.

In response to a question from Board Member Mullens, Community Development Director Barr stated that the address will be changed once a permit is applied for on the subject property.

Chairman Yearout closed the public hearing at 7:38 p.m.

A motion was made to approve the request of Juan Villa, owner of 605 Fran Street, for the variance from Section 21.02.153(g) from the City zoning Ordinance to reduce the minimum depth of lot from one hundred twenty (120') feet to one hundred thirteen (113') feet. - Board Member Sexton, seconded by Vice- Chairman Ashley. Motion passed with all ayes. 4/0

- 7. Public Hearing: #V2020-04** Conduct a public hearing to discuss and consider a request from Dan Eggers, owner of 1208 Clay Lane, from Section 25.02.153(c) to reduce the minimum rear setback on the lot from twenty four (24') feet to seventeen (17') feet of the City's Zoning Ordinance on the Brook Valley 7 Phase 1, Lot 16, Block 11, of Dallas County, Seagoville, Texas.

Chairman Yearout open the public hearing at 7:39 p.m.

Community Development Director Barr stated that the owner is wishing to add a mother-in-law quarters to the existing home. He added that the addition according to the plans provided will be six hundred sixty-six (666') square feet in size.

Community Development Director Barr stated that with the addition the rear yard setback exceeds by seven (7') feet on the subject property.

Dan Eggers, owner of 1208 Clay Lane, stated that his mother-in-law is living in Dallas. Her sight has now progressed to where she is legally blind. He added that his mother-in-law is unable to care for herself. He is adding to his home so she can reside in the same household.

In response to a question from Board Member Mullens, Mr. Eggers stated that the construction of the addition of the structure has not begun.

Chairman Yearout inquired if the mother-in-law quarters could be reduced so a variance would not be required. He added that the structure would be a permanent addition of the existing home.

In response to a question from Chairman Yearout, Mr. Eggers stated that the room would be needed so his mother-in-law can move around easier within the proposed addition.

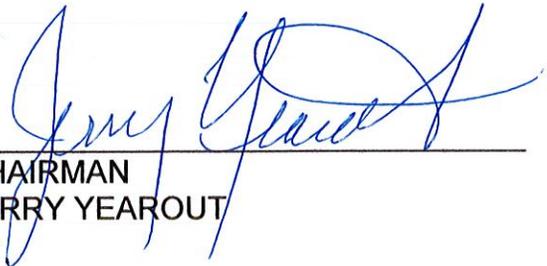
Board Member Sexton made mention that the amount of square footage will be needed if the mother-in-law should become wheelchair or bed-bound.

Chairman Yearout suggested expanding the bathroom so if it ever came to the point that the mother-in-law needed assistance getting in or out of the bathroom the room would be large enough so as to assist her safely. He added that he would also expand the doors to easily access the addition and be able to push a wheelchair through if needed.

Chairman Yearout closed the public hearing at 7:51 p.m.

After some discussion, a motion was made to approve the request of Dan Eggers, owner of 1208 Clay Lane, for the variance from Section 21.02.153(c) from the City Zoning Ordinance to reduce the minimum rear yard setback from twenty-four (24') feet to seventeen (17') feet. - Board Member Ashley, seconded by Board Member Sexton. Motion passed with all ayes. 4/0

The meeting adjourned at 7:54 p.m.



CHAIRMAN
JERRY YEAROUT

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR
LADIS BARR