

MINUTES
FOR THE
SEAGOVILLE BOARD OF ADJUSTMENTS
Meeting scheduled to begin at 7:00 p.m.,
Tuesday, November 17, 2008
in the Council Chambers of City Hall,
located at 702 N. Highway 175 – Seagoville, Texas

| | |
|-------------------------|-------------------------|
| CHAIRPERSON | SANDRA ROGERS |
| VICE-CHAIRPERSON | BILL CHAMBLISS |
| BOARD MEMBER | MIKE FRUIN |
| BOARD MEMBER | JERRY YEAROUT |
| BOARD MEMBER | MILDRED THOMPSON |
| ALTERNATE #1 | (VACANT) |
| ALTERNATE #2 | RANDY DAUGHERTY |

Prior to the commencement of the meeting, Bill Chambliss, Mildred Thompson and Randy Daugherty took the Oath of Office and were sworn in by Interim City Secretary Janie Willman.

I. CALL TO ORDER

Chairperson Rogers declared a quorum present and called the meeting to order at 7:16 p.m. Board Members present were Bill Chambliss, Mildred Thompson, Sandra Rogers and Alternate #2 Randy Daugherty. Board Members absent were Mike Fruin and Jerry Yearout. Also present were Building Official Ron Harness, Planning Technician/BOA Liaison Cindy Kintz and Code Enforcement Officer Jeff Swaggerty.

II. INVOCATION & PLEDGE OF ALLEGIANCE

Chairperson Rogers gave the invocation and the Board led in the Pledge of Allegiance.

III. ELECT CHAIRPERSON AND VICE-CHAIRPERSON FOR A TERM TO EXPIRE JUNE 2009

After a brief discussion, Alternate #2 Randy Daugherty made a motion, seconded by Vice-Chairperson Chambliss, for Chairperson Rogers and Vice-Chairperson Chambliss to continue serving on the Board in their capacity as Chairperson and Vice-Chairperson until June 2009. Chairperson Rogers called for a vote with all

present Board Members voting AYE. The motion carried (3-0). Board Members Mike Fruin and Jerry Yearout were absent.

IV. APPROVAL OF MINUTES

Approval of the Minutes for the Board of Adjustments meeting (acting in the capacity of the Housing Standards Commission) held on June 3, 2008.

Board Member Thompson made a motion, seconded by Vice-Chairperson Chambliss, to approve the minutes for the Board of Adjustments meeting (acting in the capacity of the Housing Standards Commission) held on June 3, 2008 with the following addition:

Under Agenda Item IV.K., Case #SH2008-11 – include the wording “Applicant: City of Seagoville, Texas.” at the end of Paragraph 1(Page 10 of 11).

Chairperson Rogers called for a vote with all present Board Members voting AYE. The motion carried (3-0). Board Members Mike Fruin and Jerry Yearout were absent.

V. PUBLIC HEARINGS

A. V2008-02: Conduct a public hearing to consider a request for a zoning variance for an enclosure of the required garage without provision of a new two-car, 400 square foot garage for an existing residence located at 1621 Woodhaven Drive in Seagoville, Texas (property legal description: Lot 1 in the Haven Hills 1 Addition, as recorded in Volume 28, Page 137 of the Map Records of Dallas County, Texas; acreage: 0.19± acre; property zoning: Single-Family Residential-5).

Applicant: Doris Plant

1. Open public hearing and receive staff report and public comments;

Chairperson Rogers opened the public hearing at 7:21 p.m. Building Official Ron Harness gave an overview of the applicant's request. He stated that in the City's Ordinance Nos. 11-02 and 27-05 enclosure of a required garage without providing a new 400 square foot, two-car garage was not allowed. He informed the Board of the garage enclosure occurring over the week-end of September 27th and 28th, 2008. He added that the applicant did not make application with the City for a building permit. If application for a building permit would have been made, the property owner would have found out then that the garage enclosure was not permissible.

Doris Plant (Applicant) – 103 East Farmers Road, Seagoville, Texas – She informed the Board that the garage enclosure did not have

electrical or plumbing. She stated that she was unaware that enclosing the garage was not allowed. She also stated that there wasn't room in the rear yard to build another garage. She added that she had lived in Seagoville for seven years. She informed the Board that, if she was ordered to take out the garage enclosure, she would be unable to afford a new garage door, citing the cost at \$800.

Vice-Chairperson Chambliss asked Ms. Plant what the future plans were for the garage enclosure. Ms. Plant responded by saying a gameroom.

Building Official Ron Harness responded to Alternate #2 Randy Daugherty's question by saying that property owners were allowed to enclose their garages prior to the passage of the ordinance in 2002. He stated that he had denied numerous building permit applications for garage enclosures. He explained that, according to the ordinances, carports were not allowed in front of the front building line. He further explained that the Staff's and City's position were that it was a self-imposed hardship by the property owner.

Eloise Kvapil (Next door neighbor) – 1619 Woodhaven Drive, Seagoville, Texas – She spoke in favor of the variance request.

2. Close public hearing;

Without anyone else from the public wishing to speak, Chairperson Rogers closed the public hearing at 7:37 p.m.

3. Discuss and take action on Variance Request V2008-02.

Board Member Thompson stated that she observed other properties within several blocks surrounding the property in question and several garages have been enclosed throughout the years. She commented that she did not see a big harm to the neighborhood if the variance was granted but added that the ordinance called for a two-car garage and the property owner enclosed the garage without first attempting to obtain a building permit.

Vice-Chairperson Chambliss stated that he could understand enclosing the garage for extra living space for extended families but that the property owner had resided within the City for seven years.

Alternate #2 Randy Daugherty stated that an ordinance was an ordinance and that ordinances should be upheld. He added that an ordinance was a rule. He stated that, if citizens do not like the ordinances that were in place, the citizens themselves should work on

changing the ordinances. He further added that this particular ordinance was put in place for a reason and the ordinance should be upheld.

Vice-Chairperson Chambliss made a motion, seconded by Alternate #2 Randy Daugherty, to deny the requested variance for an enclosure of the required garage without provision of a new two-car, 400 square foot garage for an existing residence located at 1621 Woodhaven Drive as requested by the applicant. Chairperson Rogers called for a vote with all present Board members voting AYE. The motion carried (3-0). Board members Mike Fruin and Jerry Yearout were absent.

VI. FUTURE AGENDA ITEMS

None

VII. ADJOURNMENT

Without any further business to conduct, Vice-Chairperson Chambliss made a motion, seconded by Alternate #2 Randy Daugherty, to adjourn the meeting at 7:43 p.m. Chairperson Rogers called for a vote with all present Board Members voting AYE. The motion carried (3-0). Board Members Mike Fruin and Jerry Yearout were absent.

SANDRA ROGERS
CHAIRPERSON

ATTEST:

CINDY KINTZ, PLANNING TECHNICIAN AND
BOARD OF ADJUSTMENTS LIAISON