



**MINUTES**  
FOR THE  
**SEAGOVILLE BOARD OF ADJUSTMENTS**  
**Meeting scheduled to begin at 6:30 p.m.,**  
**Tuesday, November 20, 2018**  
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: George Edwards  
Board Member: Sidney Sexton  
Board Member: Nancy Ashley  
Board Member: Lorin Mullens

City Staff present: Community Development Director Ladis Barr, and Jr. Planner Jennifer Bonner

Chairman Yearout led the invocation.

Board Members led in reciting the Pledge of Allegiance.

**1. Approval of Minutes**

Vice-Chairman Edwards made a motion to approve the Minutes for October 16, 2018, seconded by Board Member Ashley. The motion passed with all ayes. 5/0

*[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 #V2018-13:** Chairman Yearout opened the public hearing at 6:32 p.m.

Community Development Director Barr stated that the subject property located at 1416 Shady Lane was platted back in approximately 1973. He made mention that the zoning for the property is Residential-5 (R-5).

Community Development Director Barr stated that the past minutes of the City Council and Planning and Zoning showed a zero lot line that was approved. The house was built on the property line with a five (5') foot easement for drainage between properties.

Community Development Director Barr made mention that the property at 1416 Shady Lane is a legal non-conforming use. He added that if any damage to the structure of the house should incur the damage must be repaired within forty five (45) days, or the structure would have to abide by the R-5 Building Code.

Community Development Director Barr stated that by law the legal non-conforming use cannot be expanded because of this. Staff can not recommend approval of the proposed patio cover that the owner Kandy Winchester is requesting to build on the subject property.

In response to a question from Chairman Yearout, Community Development Director Barr stated that if a disaster happened to the property, the owner would have forty-five (45) days to apply for a permit to build under the existing specifications.

Vice-Chairman Edwards made mention that the property would lose its non-conforming use should a disaster destroy the structure and it is not rebuilt in the time frame that the state allows, which is six (6) months and one (1) day.

Kandy Winchester, owner of 1416 Shady Lane, stated that she had purchased the property in December of last year. She added that other surrounding properties in the area have carports and sheds that are past the setback requirements and provided supporting pictures.

Kandy Winchester, owner of 1416 Shady Lane, made mention that the eaves of the houses are really close to each other and that she is aware of the zero (0) lot line. She added that she is requesting the patio cover so she may cook outside even when the weather is bad.

Board Member Sexton stated that the Board cannot compare other surrounding properties. He stated that the variance request is for 1416 Shady Lane only.

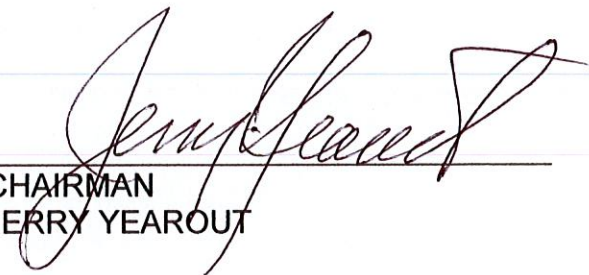
Kandy Winchester, owner of 1416 Shady Lane, stated that the planned patio cover would be nine feet (9') wide and sixteen feet (16') long. She added that a permit had been applied for the patio cover with supporting pictures.

In response to a question from Board Member Sexton, Kandy Winchester, owner of 1416 Shady Lane, stated that the pitch of the roof would be placed on the side of the house so as to not to cause excessive drainage issues.

Chairman Yearout closed the public hearing at 6:43 p.m.

After some discussion, Vice-Chairman Edwards made a motion, seconded by Board Member Sexton to deny the request of Kandy Winchester, owner of 1416 Shady Lane, for the variance from Section 25.02.153(b) from the City Ordinance for a patio cover on 1416 Shady Lane. The motion passed with all ayes. 5/0

The meeting adjourned at 6:46p.m.



CHAIRMAN  
JERRY YEAROUT

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR  
LADIS BARR