

FARMERSVILLE ZONING BOARD OF ADJUSTMENT MINUTES  
May 12, 2015

The Farmersville Zoning Board of Adjustment met on May 12, 2015, at 6:00 p.m. in the Council Chamber of City Hall with the following members present Mayor Helmberger, John Klostermann, Michael Hesse, and Jim Foy. Council member absent was John Politz. Staff members present were City Manager Ben White, City Attorney Alan Lathrom and City Secretary Edie Sims.

**CALL TO ORDER, ROLL CALL**

Mayor Helmberger called the meeting to order at 6:00 p.m. Edie Sims called the roll and announced a quorum was not present.

**ITEM III) PUBLIC HEARING**

Mayor Helmberger opened the Public Hearing at 6:01pm and asked those FOR the variance request regarding minimum rear yard requirements to come forward. Tina Carver, residing at 503 Ryan's Circle and requestor of the variance came forward. Ms. Carver stated she owns a DR Horton, which she asked for a larger covered patio area. A problem arose when she submitted her permit request that her back yard setback would not allow an extended porch within the parameters of her back yard. She has only 15' from the back of the house to the fence. Therefore, Ms. Carver is requesting a variance to allow the covered patio top to be constructed.

Mayor Helmberger requested anyone OPPOSING the variance request regarding minimum rear yard requirements to come forward. No one came forward opposing the variance request. Mayor Helmberger closed the Public Hearing at 6:02pm.

**ITEM IV) DISCUSSION AND POSSIBLE ACTION**

City Manager Ben White displayed the photos of the anticipated porch. The plat information shows the layout of the home with a small patio as provided by DR Horton. The petitioner is requesting a variance so the patio will be 3' from the fence and property line. The required footage is 10'. In addition, the addition will not be part of the main structure. This is a corner lot. Jim Foy expressed concern regarding the variance. The rules state the variance should be unique to the property that would not allow the property owner to use the property and would be a hardship. The lot is a standard sized lot and the structure already meets the code with the 5' patio. Per Mr. Foy, the ordinance is clear that the City should not grant the variance since this is not a unique situation as other lots. The variance requirements do not meet this case.

Mayor Helmberger questioned if the overhang and soffit could project further to exceed 4' to 6' from the property line. According to our Code of Ordinances, the cornices and any overhang are not to exceed 4' to 6' from the property line. Mr. Foy stated the City should enforce the ordinances as currently written.

Mr. White asked if the structure was free standing and not attached to the house, how the rules would apply. City Attorney Alan Lathrom indicated the structure would be considered an outback/accessory building and still does not meet the requirements. Russell Chandler stated the depiction looks aesthetically well, but has concerns setting a precedence for others to do the same. Michael Hesse stated his concern as well if a variance is allowed, then what is the purpose for the variance.

Jim Foy motioned to deny the variance request with Russell Chandler seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes, and Jim Foy yes. Full Council denied variance.

ADJOURNMENT

Meeting adjourned at 6:17 p.m. Motion carried unanimously.

ATTEST:

\_\_\_\_\_  
Joseph E. Helmberger, P.E., Mayor

\_\_\_\_\_  
Edie Sims, City Secretary

DRAFT