



**FARMERSVILLE CITY COUNCIL  
SITTING AS THE  
FARMERSVILLE ZONING BOARD OF ADJUSTMENT  
REGULAR SESSION MINUTES  
For  
August 14, 2018, 5:30 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Rice called the meeting to order at 5:30 p.m. Council members Craig Overstreet, Donny Mason, Mike Hurst, and Todd Rolan were all present. Council member Michael Hesse was not in attendance. City staff members Ben White, Sandra Green, Paula Jackson and City Attorney Alan Lathrom were also present.

**II. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon a request for a variance from the requirements of Section 4.6.3, "Height and Yard Requirements," of the Farmersville Zoning Ordinance to allow two accessory buildings to exceed the maximum height of 10' by three additional feet thereby allowing the peak of the roof on each such accessory building to be a maximum of 13 feet in height provided that all other requirements of the Farmersville Code are met. The property is generally located at 416 Sherry Lane, Farmersville, Texas 75442.
- Mayor Rice opened the public hearing at 5:32 p.m.
  - Susan Lokey who resides at 416 Sherry Lane addressed the Board and stated she was requesting a variance for two storage buildings to be placed in her backyard. She indicated one building would have a height of 11 ½ feet tall and the other would have a height of 12 feet 1 inches tall. She explained both buildings would exceed the maximum height of 10 feet the City's Zoning Ordinance requires.
  - Mayor Rice asked if there was anyone else in the audience that wanted to speak for or against the item.
  - None came forward so Mayor Rice closed the public hearing at 5:33 p.m.
  - Ben White explained he did not feel like the Lokey's request was unreasonable. He stated he felt the Ordinance change that would be

presented to the Planning & Zoning Commission and the City Council in the near future would be passed and that would address the height of the buildings for future applicants.

- Donny Mason asked if she received a permit for the foundations before they were poured.
- Ms. Lokey indicated City staff told her a permit for flatwork was not required.
- Ben White explained that a permit for flatwork was not required.
- Craig Overstreet asked staff if he was understanding correctly that the buildings and the 1<sup>st</sup> floor covered area of the house could not exceed 45% of the lot area and he also asked if the setback requirements were being met.
- Sandra Green explained that was correct and the setback could be a minimum of 3 feet from the back of the property with a 6 feet screening fence. If they moved the building 10 feet off the back property line no screening fence would be required.
- Ms. Lokey explained the Ordinance's roof pitch for accessory structures was not possible for a 10 foot high building. She stated she is only asking for an increase in the height of her buildings.
- Ben White stated he felt she had a great argument for the Ordinance change because it is practically impossible to build a 10 feet high building with the roof pitch.
- Todd Rolen questioned whether she would have to brick the buildings since one of his neighbors were told they had to.
- Ms. Lokey explained the Ordinance stated that buildings under the 200 square feet did not require masonry. She indicated the buildings would be hardie board.
- Sandra Green indicated the buildings would have to match the color of her house according to the Ordinance.
- Craig Overstreet asked about the Ordinance change that would be going before the Planning & Zoning Commission and the City Council in the future and the outcome of this request on the Ordinance.
- Alan Lathrom stated that it does not matter whether the Planning & Zoning Commission would recommend a change to the Ordinance because the variance request that is presented to the Board of Adjustments stands on its own merit.

- Motion to approve made by Craig Overstreet
- 2<sup>nd</sup> to approve was Donny Mason
- All council members voted in favor

- B. Public hearing to consider, discuss and act upon a request for a variance from the requirements of Section 3.12.4, "SF-2 – Single Family Dwelling - 2," of the Farmersville Zoning Ordinance by requesting the minimum lot area be less than the required 7,200 sq. ft., the minimum lot width to be less than the required 60 feet, the lot depth be less than the required 100 feet, the minimum front yard be 25 feet instead of the required 30 feet, and the minimum rear yard to be 5 feet instead of the required 10 feet to allow a residence to be built

on the lot provided that all other requirements of the Farmersville Code are met. The property is generally located at 613 Maple Street, Farmersville, Texas 75442.

- Mayor Rice opened the public hearing at 5:51 p.m.
- The applicant, Chad Meuir, addressed the Board and stated he was wanting to build a house on the lot but it does not meet the City zoning requirements based on its size. He stated he wanted a variance for the total square footage of the lot and some of the setbacks. He indicated the 1,200 to 1,300 square foot house would be built with a combination of masonry and hardie board siding. He explained the lot has no other purpose because of its size and that is why it has been vacant for years.
- Mayor Rice asked if there was anyone else in the audience who wanted to speak for or against the variance request.
- No one came forward so Mayor Rice closed the public hearing at 5:53 p.m.
- Mike Hurst asked if the property would be grandfathered.
- Donny Mason asked if the house was going to have a garage.
- Mr. Meuir stated it would not have a garage due to size constraints and the parking would be on the driveway.
- Alan Lathrom explained this is a situation where a text amendment or change to the Zoning Ordinance requirements increased the lot size for the zoning district to a minimum of 7,200 square feet. The lot is approximately 4,028 square feet and that creates a problem and unique instance that would require changes to accommodate any building on the lot. The lot was platted and this is the type of case where variances would be requested and justified under the Zoning Ordinance and under state law.
- Ben White stated that having a house on the lot would be a plus for the City instead of an empty lot.
- Mike Hurst asked Alan Lathrom how a motion should be structured.
- Alan Lathrom recommended that if the Council made a motion to allow the variance it would be better if they stated specifically what they were granting in the motion. For example, he stated to reduce the minimum lot area from 7,200 square feet to approximately 4,028 square feet, reduce the minimum lot width from 60 feet to approximately 53 feet, reduce the minimum lot depth from 100 feet to approximately 76 feet, reduce the minimum front yard from 30 feet to 25 feet, and the minimum rear yard from 10 feet to 5 feet to allow a residence to be built on the existing platted lot.
- Mike Hurst asked if the Ordinance should be changed to accommodate the smaller infill lots.
- Alan Lathrom explained that it would be better to handle the small infill lots on a case by case basis right now unless the City sees an influx of these types of variance requests.
- Mike Hurst asked about a fence.
- Chad Meuir stated he would definitely have a fence on the property.
  - Motion to approve the variance to allow a deduction in the minimum lot area from 7,200 square feet to approximately 4,028

square feet, reduce the minimum lot width from 60 feet to approximately 53 feet, reduce the minimum lot depth from 100 feet to approximately 76 feet, reduce the minimum front yard from 30 feet to 25 feet, and the minimum rear yard from 10 feet to 5 feet to allow a residence to be built on the existing platted lot made by Craig Overstreet.


- 2<sup>nd</sup> to approve was Todd Rolen
- Craig Overstreet, Mike Hurst, and Todd Rolen all voted in favor. Donny Mason abstained.

- Alan Lathrom asked Donny Mason the basis of his abstention.
- Donny Mason stated he felt the lot was too small.
- Alan Lathrom indicated that four members had to vote in favor of the motion or the motion fails.
- Mayor Rice indicated the motion failed.


### III. ADJOURNMENT

Meeting was adjourned at 6:04 p.m.

APPROVE:

  
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Jack Randall Rice, Mayor

ATTEST:

  
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Sandra Green, City Secretary

