



# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629

## AGENDA

### (Zoning) Board of Adjustment Special Called Meeting\*

Monday, April 19, 2021, at 3:30 P.M.

**VIA - VIDEOCONFERENCING**

#### Call to Order

**ITEM 1:** Discuss and take appropriate action regarding March 9, 2021, Minutes.

#### General Agenda Comments

*This videoconferencing meeting is being used to allow Board members, staff and public participants to join the meeting in the following manner:*

Anyone may join the meeting via videoconference at [www.zoom.us/join](http://www.zoom.us/join) or via telephone by calling **1-346-248-7799**; meeting ID **912 5595 2930**; and Password **976527**.

*If you join the meeting via Videoconferencing and want to address the Board on an agenda item, you will need to have your camera on and hold up your hand when the Chairman calls for public comment and you will be recognized by the Chairman to address the Board and will be allowed a total of three (3) minutes to provide comments regarding the posted agenda item for which the request to speak was submitted and you may speak during this item or during the Board's consideration of individual items in accordance with City Council Rules of Procedure. The three (3) minute time period will be extended to six (6) minutes if a translator is required for a non-English speaker to communicate his/her comments regarding the posted agenda item for which the request to speak was filed. You may also email your comments to be read at the meeting to: [dragland@decaturtx.org](mailto:dragland@decaturtx.org) or [cfuss@decaturtx.org](mailto:cfuss@decaturtx.org) before and during the meeting on Monday, April 19<sup>th</sup>. Please provide your name, address and the agenda item number.*

#### Non-Public Hearing Items:

**ITEM 2:** Discussion regarding options for holding future board meetings virtually, in person or hybrid approach.

#### For Your Information Items:

**ITEM 3:** New and/or future business items.

- a. As of agenda posting, the May 17, 2021, meeting currently has no (0) ZBA Planning applications. Application submittal deadline was Monday, April 19, 2021, by 11 a.m. **If there are applications submitted, the meeting will be a virtual only meeting.**

#### Adjournment:

Prepared and posted this 16<sup>th</sup> day of April 2021, in accordance with Chapter 551, Texas Government Code.

Dedra D. Ragland, AICP

Director of Planning and Development

**PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COMMISSIONERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC AT THE ADDRESS POSTED ABOVE AS THE LOCATION OF THE MEETING.**

\*NOTE: THE (ZONING) BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJOURN INTO A CLOSED MEETING AT ANY TIME REGARDING ANY ITEM ON THE AGENDA FOR WHICH IT IS LEGALLY PERMISSIBLE **UNDER THE TEXAS OPEN MEETINGS ACT PURSUANT TO LGC 551.071.**

**MINUTES**  
**(ZONING) BOARD OF ADJUSTMENT SPECIAL CALLED MEETING**  
**Tuesday, March 9, 2021 at 3:30 P.M.**  
**VIA - VIDEOCONFERENCING**

A special called meeting of the City of Decatur (Zoning) Board of Adjustment was held at 3:30 p.m. on March 9, 2021, via videoconferencing with the following in attendance:

**MEMBERS PRESENT:**

Mark Duncum, Chairman  
Mark Ary, Vice-Chairman  
Kristy Campbell  
Mason Clinesmith  
Julie Perkins, Alternate, entered at 3:42 p.m.

**MEMBERS ABSENT:**

Others present were: Planning Director Dedra Ragland, Legal Counsel Patricia Adams, City Engineer Earl Smith, Building Official Wayne Smith and Development Review Coordinator Cheryl Fuss representing Staff, and Amanda Meador, Quint Burk, Sue Denton and Cindy Tatum representing the applicant.

**Call to Order: Chairman Duncum called the meeting to order at 3:38 p.m.**

**ITEM 1:** Approval of December 21, 2020, Minutes.

**Vice-Chairman Ary made a motion to approve the December 21, 2020, Zoning Board of Adjustment Meeting Minutes. Board Member Clinesmith seconded the motion. The motion passed 4-0, Board Member Perkins late.**

**General Agenda Comments:**

Chairman Duncum read the following regarding General Agenda Comments:

*This videoconferencing meeting is being used to allow Board members, staff and public participants to join the meeting in the following manner:*

*Anyone may join the meeting via videoconference at [www.zoom.us/join](http://www.zoom.us/join) or via telephone by calling 1-346-248-7799; meeting ID 912 5595 2930; and Password 976527.*

*If you join the meeting via Videoconferencing and want to address the Board on an agenda item, you will need to have your camera on and hold up your hand when the Chairman calls for public comment and you will be recognized by the Chairman to address the Board and will be allowed a total of three (3) minutes to provide comments regarding the posted agenda item for which the request to speak was submitted and you may speak during this item or during the Board's consideration of individual items in accordance with City Council Rules of Procedure. The three (3) minute time period will be extended to six (6) minutes if a translator is required for a non-English speaker to communicate his/her comments regarding the posted agenda item for which the request to speak was filed. You may also email your comments to be read at the meeting to: [dragland@decaturtx.org](mailto:dragland@decaturtx.org) before and during the meeting on Tuesday, March 9<sup>th</sup>. Please provide your name, address and the agenda item number.*

Chairman Duncum asked if anyone participating in the videoconference that has not signed in wished to speak on any of the posted agenda items. There was no one who wished to speak.

**ITEM 2:** **ZBA2021-01** - The Board to consider and take action on a request for a setback encroachment special exception from the City of Decatur's Zoning Ordinance regarding rear yards for the property proposed as Lot 7R, Block 5, Lipsey Addition and more commonly referred to as 2803 Murvil St., City of Decatur, Wise County, Texas. The

request is for a special exception to the City of Decatur Code of Ordinances, Appendix B. "Zoning," Article 7, "Development Standards," Section 7.6 "Accessory Structure Regulations," Subsection 7.6.1 "Accessory Structures in Residential Districts," Item C. "Rear Yard. There shall be a rear yard for accessory buildings not less than three (3) feet from any lot line, alley line or easement line, except that if no alley exists, the rear yard shall not be less than ten (10) feet as measured from the rear lot line," to allow an existing detached accessory structure, as identified in Attachment 3A of the staff report, to encroach seven and eight tenths feet (7.8') into the required ten foot (10') rear yard setback along the eastern property line. **(ZBA Application 2021-01 – Property Owner Amanda Meador)**

**ITEM 3:** **ZBA2021-02** - The Board to consider and take action on a request for a setback encroachment special exception from the City of Decatur's Zoning Ordinance regarding rear yards for the property proposed as Lot 7R, Block 5, Lipsey Addition and more commonly referred to as 2803 Murvil St., City of Decatur, Wise County, Texas. The request is for a special exception to the City of Decatur Code of Ordinances, Appendix B. "Zoning," Article 7, "Development Standards," Section 7.6 "Accessory Structure Regulations," Subsection 7.6.1 "Accessory Structures in Residential Districts," Item C. "Rear Yard. There shall be a rear yard for accessory buildings not less than three (3) feet from any lot line, alley line or easement line, except that if no alley exists, the rear yard shall not be less than ten (10) feet as measured from the rear lot line," to allow an existing detached accessory structure, as identified in Attachment 3B of the staff report, to encroach eight and three tenths feet (8.3') into the required ten foot (10') rear yard setback along the eastern property line. **(ZBA Application 2021-02 – Property Owner Amanda Meador)**

**ITEM 4:** **ZBA2021-03** - The Board to consider and take action on a request for a setback encroachment special exception from the City of Decatur's Zoning Ordinance regarding side yards for the property proposed as Lot 7R, Block 5, Lipsey Addition and more commonly referred to as 2803 Murvil St., City of Decatur, Wise County, Texas. The request is for a special exception to the City of Decatur Code of Ordinances, Appendix B. "Zoning," Article 5, "Zoning Districts," Section 5.1 "Zoning Districts Established," Subsection 5.1.3 "SF-2, Single Family Residential District," Item D "Area Regulations," (1) "Size of Yard," (b) "Minimum Side Yard," to allow the existing residential structure, as identified in Attachment 3C of the staff report, to encroach one and five tenths feet (1.5') into the required fifteen foot (15') side yard setback along the northern property line. **(ZBA Application 2021-03 – Property Owner Amanda Meador)**

Planning Director Ragland presented the staff findings for ZBA2021-01, ZBA2021-02 and ZBA2021-03, since the applications pertain to the same property. She reminded the Board Members that separate action is required. Planning Director Ragland stated that nineteen (19) property owners were notified. Staff has received one (1) response opposed to and no (0) responses in favor of or neutral to the requests. She said the person was opposed to any additional encroachments near their property.

Chairman Duncum asked the applicant, Amanda Meador, if she would like to address the Board. Ms. Meador said she had no comment.

Chairman Duncum asked if there are any questions.

Board member Clinesmith asked Planning Director the significance of 1975.

Planning Director Ragland stated looking at information from Wise County Appraisal District information and aerial photography the structures have been in place since 1975.

Planning Director Ragland asked the applicant, Amanda Meador, if she wishes to speak.

*Applicant, Amanda Meador, 2803 Murvil St., Decatur, TX, stated her parents purchased the lot where the house and red building are located in 1985. She said over the years they purchased the other two lots south of their property. Ms. Meador stated the metal shop was built on the middle lot around 1995/1996.*

Chairman Duncum asked if there are any additional questions or comments by the Board Members. There were none.

Chairman Duncum opened the public hearing for ZBA2021-01 at 4:01 p.m.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:04 p.m.

Chairman Duncum asked for a motion for ZBA2021-01.

**Vice-Chairman Ary made a motion that the Board grant request ZBA2021-01, to allow a special exception specifically granting an existing detached accessory structure to encroach seven and eight tenths feet (7.8'), as identified in Attachment 3A of the staff report, into the required ten foot (10') rear yard setback along the eastern property line, where no alley exists. The minimum rear yard setback to remain ten feet (10'). Board Member Campbell seconded the motion. The motion passed 5-0.**

Chairman Duncum opened the public hearing for ZBA2021-02 at 4:04 p.m.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:05 p.m.

Chairman Duncum asked for a motion for ZBA2021-02.

**Vice-Chairman Ary made a motion that the Board grant request ZBA2021-02, to allow a special exception specifically granting an existing detached accessory structure to encroach eight and three tenths feet (8.3'), as identified in Attachment 3B of the staff report, into the required ten foot (10') rear yard setback along the eastern property line, where no alley exists. The minimum rear yard setback to remain ten feet (10'). Board Member Perkins seconded the motion. The motion passed 5-0.**

Chairman Duncum opened the public hearing for ZBA2021-03 at 4:05 p.m.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:06 p.m.

Chairman Duncum asked for a motion for ZBA2021-03.

**Vice-Chairman Ary made a motion that the Board grant request ZBA2021-03, to allow a special exception specifically granting an existing residential structure to encroach one and five tenths feet (1.5'), as identified in Attachment 3C of the staff report, into the required fifteen foot (15') side yard setback along the northern property line. The minimum side yard setback to remain fifteen feet (15'). Board Member Perkins seconded the motion. The motion passed 5-0.**

**ITEM 5: ZBA2021-04** - The Board to consider and take action on a request for a setback encroachment special exception from the City of Decatur's Zoning Ordinance regarding front yards for the property proposed as Lot 1, Block 1, Decatur ISD School Addition and more commonly referred to as 1200 Eagle Dr., City of Decatur, Wise County, Texas. The request is for a special exception to the City of Decatur Code of Ordinances, Appendix B. "Zoning," Article 5, "Zoning Districts," Section 5.1 "Zoning Districts Established," Subsection 5.1.2 "SF-1, Single Family Residential District," Item D "Area

Regulations,” (1) “Size of Yard,” (a) “Minimum Front Yard,” to allow the existing monument sign, as identified in Attachment 3A of the staff report, to encroach twenty-four and seven tenths feet (24.7’) into the required thirty foot (30’) front yard setback along Eagle Drive. **(ZBA Application 2021-04 – Property Owner Decatur ISD)**

**ITEM 6: ZBA2021-05** - The Board to consider and take action on a request for a setback encroachment special exception from the City of Decatur’s Zoning Ordinance regarding front yards for the property proposed as Lot 1, Block 1, Decatur ISD School Addition and more commonly referred to as 1200 Eagle Dr., City of Decatur, Wise County, Texas. The request is for a special exception to the City of Decatur Code of Ordinances, Appendix B. “Zoning,” Article 5, “Zoning Districts,” Section 5.1 “Zoning Districts Established,” Subsection 5.1.2 “SF-1, Single Family Residential District,” Item D “Area Regulations,” (1) “Size of Yard,” (a) “Minimum Front Yard,” to allow the existing monument sign, as identified in Attachment 3B of the staff report, to encroach eight and ninety-one hundredths feet (8.91’) into the required thirty foot (30’) front yard setback along Thompson St. **(ZBA Application 2021-05 – Property Owner Decatur ISD)**

**ITEM 7: ZBA2021-06** - The Board to consider and take action on a request for a setback encroachment special exception from the City of Decatur’s Zoning Ordinance regarding front yards for the property proposed as Lot 1, Block 1, Decatur ISD School Addition and more commonly referred to as 1200 Eagle Dr., City of Decatur, Wise County, Texas. The request is for a special exception to the City of Decatur Code of Ordinances, Appendix B. “Zoning,” Article 5, “Zoning Districts,” Section 5.1 “Zoning Districts Established,” Subsection 5.1.2 “SF-1, Single Family Residential District,” Item D “Area Regulations,” (1) “Size of Yard,” (a) “Minimum Front Yard,” to allow the existing tennis court fence, as identified in Attachment 3C of the staff report, to encroach sixteen and five tenths feet (16.5’) into the required thirty foot (30’) front yard setback along Thompson St. **(ZBA Application 2021-06 – Property Owner Decatur ISD)**

**ITEM 8: ZBA2021-07** - The Board to consider and take action on a request for a setback encroachment special exception from the City of Decatur’s Zoning Ordinance regarding front yards for the property proposed as Lot 1, Block 1, Decatur ISD School Addition and more commonly referred to as 1200 Eagle Dr., City of Decatur, Wise County, Texas. The request is for a special exception to the City of Decatur Code of Ordinances, Appendix B. “Zoning,” Article 5, “Zoning Districts,” Section 5.1 “Zoning Districts Established,” Subsection 5.1.2 “SF-1, Single Family Residential District,” Item D “Area Regulations,” (1) “Size of Yard,” (a) “Minimum Front Yard,” to allow the existing pole sign, as identified in Attachment 3D of the staff report, to encroach twenty-two feet (22’) into the required thirty foot (30’) front yard setback along Thompson St. **(ZBA Application 2021-07 – Property Owner Decatur ISD)**

Planning Director Ragland presented the staff findings for ZBA2021-04, ZBA2021-05, ZBA2021-06 and ZBA2021-07, since the applications pertain to the same property. She reminded the Board Members that separate action is required. Planning Director Ragland stated that nineteen (19) property owners. Staff has received two (2) responses in favor of and no responses opposed to, or neutral to the requests.

Chairman Duncum asked the applicant, Cindy Tatum, if she would like to address the Board. Ms. Tatum said she had no comment.

Chairman Duncum opened the public hearing for ZBA2021-04 at 4:14 p.m.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:15 p.m.

Chairman Duncum asked for a motion for ZBA2021-04.

**Vice-Chairman Ary made a motion that the Board grant request ZBA2021-04, to allow a special exception specifically granting an existing monument sign to encroach twenty-two and seven tenths feet (22.7'), as identified in Attachment 3A of the staff report, into the required thirty foot (30') front yard setback along west Carpenter Street. The minimum front yard setback to remain thirty feet (30'). Board Member Clinesmith seconded the motion. The motion passed 4-0, Board Member Campbell abstained.**

Chairman Duncum opened the public hearing for ZBA2021-05 at 4:15 p.m.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:16 p.m.

Chairman Duncum asked for a motion for ZBA2021-05.

**Board Member Perkins made a motion that the Board grant request ZBA2021-05, to allow a special exception specifically granting an existing monument sign to encroach eight and ninety-one hundredths feet (8.91'), as identified in Attachment 3B of the staff report, into the required thirty foot (30') front yard setback along west Carpenter Street. The minimum front yard setback to remain thirty feet (30'). Vice-Chairman Ary seconded the motion. The motion passed 4-0, Board Member Campbell abstained.**

Chairman Duncum opened the public hearing for ZBA2021-06 at 4:16 p.m.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:17 p.m.

Chairman Duncum asked for a motion for ZBA2021-06.

**Vice-Chairman Ary made a motion that the Board grant request ZBA2021-06, to allow a special exception specifically granting an existing tennis court fence to encroach sixteen and five tenths feet (16.5'), as identified in Attachment 3C of the staff report, into the required thirty foot (30') front yard setback along west Carpenter Street. The minimum front yard setback to remain twenty-five feet (25'). Board Member Perkins seconded the motion. The motion passed 4-0, Board Member Campbell abstained.**

Chairman Duncum opened the public hearing for ZBA2021-07 at 4:17 p.m.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:18 p.m.

Chairman Duncum asked for a motion for ZBA2021-07.

**Board Member Clinesmith made a motion that the Board grant request ZBA2021-07, to allow a special exception specifically granting an existing pole sign to encroach twenty-two feet (22'), as identified in Attachment 3D of the staff report, into the required thirty foot (30') front yard setback along west Carpenter Street. The minimum front yard setback to remain twenty-five feet (25'). Vice-Chairman Ary seconded the motion. The motion passed 4-0, Board Member Campbell abstained.**

**ITEM 9:** **ZBA2021-08** - The Board to consider and take action on a request for a setback encroachment variance from the City of Decatur's Zoning Ordinance regarding front yards for the property identified as Lot 1, Block 2, Pecan Estates Addition and more commonly referred to as 1606 W. US Highway 380 Business, City of Decatur, Wise County, Texas. The request is for a variance to the City of Decatur Code of Ordinances, Appendix B. "Zoning," Article 5, "Zoning Districts," Section 5.1 "Zoning Districts

Established,” Subsection 5.1.8 “C-O, Office District,” Item D “Area Regulations,” (1) “Size of Yard,” (a) “Minimum Front Yard,” to allow a proposed monument sign, as identified in Attachment 3A of the staff report, to encroach twenty-two feet (22’) into the required twenty-five foot (25’) front yard setback along US Highway 380 Business. **(ZBA Application 2021-08 – Property Owner Sue Ann Denton, Realtor)**

**ITEM 10: ZBA2021-09** - The Board to consider and take action on a request for a setback encroachment variance from the City of Decatur’s Zoning Ordinance regarding front yards for the property identified as Lot 1, Block 2, Pecan Estates Addition and more commonly referred to as 1606 W. US Highway 380 Business, City of Decatur, Wise County, Texas. The request is for a variance to the City of Decatur Code of Ordinances, Appendix B. “Zoning,” Article 5, “Zoning Districts,” Section 5.1 “Zoning Districts Established,” Subsection 5.1.8 “C-O, Office District,” Item D “Area Regulations,” (1) “Size of Yard,” (a) “Minimum Front Yard,” to allow a proposed monument sign, as identified in Attachment 3B of the staff report, to encroach twenty-four and nine tenths feet (24.9’) into the required twenty-five foot (25’) front yard setback along Valcik St. **(ZBA Application 2021-09 – Property Owner Sue Ann Denton, Realtor)**

Planning Director Ragland presented the staff findings for ZBA2021-08 and ZBA2021-09 since the applications pertain to the same property. She reminded the Board Members that separate action is required. Planning Director Ragland stated that twenty-eight (28) property owners were notified. Staff has received two (2) responses in favor of and no responses opposed to, or neutral to the requests.

Chairman Duncum opened the public hearing for ZBA2021-08 at 4:23 p.m.

Chairman Duncum asked if the applicant, Sue Ann Denton, wishes to speak.

*Applicant, Sue Ann Denton, 1606 W. Highway 380 Business, Decatur, TX,* stated the sign was permitted in 1995 by the city and was intended to be behind the twenty-five foot (25’) setback on both Valcik St. and Highway 380 Business. Ms. Denton stated that sign had to be placed in its current location to accommodate TxDOT.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:25 p.m.

Chairman Duncum asked for a motion for ZBA2021-08.

**Board Member Campbell made a motion that the Board grant request ZBA2021-08, to allow a variance specifically granting a proposed monument sign to encroach twenty-two feet (22’), as identified in Attachment 3A of the staff report, into the required twenty-five foot (25’) front yard setback along US Highway 380 Business. The minimum front yard setback to remain twenty-five feet (25’). Board Member Clinesmith seconded the motion. The motion passed 5-0.**

Chairman Duncum opened the public hearing for ZBA2021-09 at 4:25 p.m.

Chairman Duncum asked if there are any public speakers. There were none. The public hearing was closed at 4:26 p.m.

Chairman Duncum asked for a motion for ZBA2021-09.

**Chairman Duncum made a motion that the Board grant request ZBA2021-09, to allow a variance specifically granting a proposed monument sign to encroach twenty-four and nine tenths feet (24.9’), as identified in Attachment 3B of the staff report, into the required twenty-five foot (25’) front yard setback along Valcik St. The minimum front yard setback to remain twenty-five feet (25’). Vice-Chairman Ary seconded the motion. The motion passed 5-0.**

**For Your Information Items:**

**ITEM 11:** New and/or future business items.

- a. March 15, 2021, meeting currently has no (0) ZBA Planning applications. Application submittal deadline was Tuesday, February 16, 2021, by 11 a.m. Meeting will be a virtual only meeting.

**Chairman Duncum adjourned meeting at 4:28 p.m.**

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Mark Duncum, Chairman

ATTEST:

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Dedra Denée Ragland, Planning Director

Minutes Prepared by:

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Cheryl Fuss, Development Review Coordinator