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**AGENDA**

**Board of Adjustment Regular Meeting  
Decatur City Hall – 201 E. Walnut St., Decatur, TX**

**MONDAY, APRIL 13, 2026, at 3:30 P.M.**

**IN PERSON AND VIA VIDEOCONFERENCE/TELECONFERENCE**

**General Agenda Comments**

***This is an in-person and videoconference meeting. Videoconferencing is being used to allow staff and members of the public 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](tel:1-346-248-7799); meeting ID [912 5595 2930](https://decaturtx.zoom.us/j/91255952930); and Password [976527](https://decaturtx.zoom.us/j/91255952930).**

***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: [planning@decaturtx.org](mailto:planning@decaturtx.org) before and during the meeting. Please provide your name, address, and the agenda item number.***

**CALL TO ORDER AND ANNOUNCE A QUORUM**

**ITEM 1:** Discuss and take appropriate action regarding March 16, 2026, BOA Minutes.

**Discussion Items:**

- ITEM 2:** Carports
- a. Intent of Code
  - b. Storm-damaged structures
- ITEM 3:** Residential Infill properties
- a. Setbacks
  - b. Lot sizes
  - c. Parking

**Public Hearing Items:**

**ITEM 4: BOA-26-0002** – A request by Cliff Spence, on behalf of Spence Residential Properties, LLC, property owner, pursuant to the City of Decatur Infill Procedure and the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.7, “Special Exceptions,” regarding lot dimensions for the property described as Lot 11R1, Block J, Mrs. E. O. Cates Addition, 201 S Cates Street, 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 5.1.3, “SF-2, Single-Family Residential District,” Subsection D, “Area Regulations,” (2) Size of Lots, (a) “Minimum Lot Area” to allow a 4,353 square foot lot to be created, outside of the minimum area of 8,000 square foot requirement of the SF-2 residential lot dimensions; and (b) “Minimum Lot Width” to allow a 48.40’ wide lot to be created, outside of the minimum lot width of fifty feet (50’) requirement of the SF-2 residential lot dimensions.

**Open Public Hearing at: \_\_\_\_\_ Close Public Hearing at: \_\_\_\_\_**

**ITEM 5: BOA-26-0003** – A request by Cliff Spence, on behalf of Huerta Esperanza, property owner, pursuant to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.7, “Special Exceptions,” regarding lot dimensions and structure setbacks for the property described as Lot 11R2, Block J, Mrs. E. O. Cates Addition, 203 S Cates Street, 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 5.1.3, “SF-2, Single-Family Residential District,” Subsection D, “Area Regulations,” (1) Size of Yards, (a) Minimum Front Yard to allow an existing structure to encroach 10.8 feet into the required twenty-five foot (25’) front yard setback along S Cates Street; and (b) Minimum Side Yard to allow an existing structure to encroach 0.2 feet into the side yard, outside of the minimum ten percent (10%) side yard setback requirement of the SF-2 residential area regulations; and (2) Size of Lots, (a) Minimum Lot Area to allow a 4640 square foot lot to be created, outside of the minimum area of 8,000 square foot requirement of the SF-2 residential lot dimensions.

**Open Public Hearing at: \_\_\_\_\_ Close Public Hearing at: \_\_\_\_\_**

**ITEM 6: BOA-26-0004** – A request by Eric Kavicky, property owner, pursuant to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.7, “Special Exceptions,” regarding setbacks for an existing structure for the property described as Lot 1R, Block 111, South Decatur Addition, being a replat of Lots 1, 2, and 4, Block 111, South Decatur Addition, City of Decatur, Wise County, Texas. The request is for a variance to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Article 7, “Accessory Structure Regulations,” Section 7.6.1, “Accessory Buildings and Structures in Residential Districts,” Subsection B, “Side Yard,” to allow an existing pool house building to encroach 0.1 foot into the side yard, outside of the minimum side yard requirement of three feet (3’); and Subsection C, “Rear Yard,” to allow an existing pool house building to encroach 3.2 feet into the rear yard, outside of the minimum rear yard requirement of ten feet (10’).

**Open Public Hearing at: \_\_\_\_\_ Close Public Hearing at: \_\_\_\_\_**

**ITEM 7: BOA-26-0005** – A request by Connie Lamirand, property owner, pursuant to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.7, “Special Exceptions,” regarding setbacks for existing structures on the property described as a 0.438 acre tract in Lots 3 and 4, Block 58, South Decatur Addition, and part of Saunders Street (not open), recorded in Clerk’s File Number 201802116, Official Records of Wise County, Texas; 1104 S State Street, 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 5.1.3, “SF-2, Single-Family Residential District,” Subsection D, “Area Regulations,” (1) Size of Yards, (a) Minimum Front Yard to allow an existing structure to encroach 2.3 feet and 1.2 feet, respectively, outside of the minimum front yard setback requirement of twenty-five foot (25’) per the SF-2 residential area regulations; and Article 7, “Accessory Structure Regulations,” Section 7.6.1, “Accessory Buildings and Structures in Residential Districts,” Subsection B, “Side Yard,” to allow an existing shed structure to encroach 0.6 foot into the side yard, outside of the minimum side yard requirement of 3 feet; and Subsection C, “Rear Yard,” to allow an existing shed structure to encroach 6.9 feet into the rear yard, outside of the minimum rear yard requirement of ten feet (10’).

Open Public Hearing at: \_\_\_\_\_ Close Public Hearing at: \_\_\_\_\_

**For Your Information Items:**

- ITEM 8:** New and/or future business items.
- a. As of the agenda posting, the meeting on **Monday, May 18, 2026**, currently has no (0) BOA applications. The application deadline is Monday, April 13, 2026, by 5 p.m. **(The meeting will be an in-person meeting with potential virtual attendance of staff and members of the public unless otherwise determined.)**

**Adjournment:**

Prepared and posted on this 6<sup>th</sup> day of April, 2026, in accordance with Chapter 551, Texas Government Code.



Lisa Hannon  
Assistant Director Development Services

**MINUTES**  
**BOARD OF ADJUSTMENT MEETING**  
**Monday, March 16, 2026, at 3:30 P.M.**  
**REGULAR MEETING and VIA - VIDEOCONFERENCING**

A regular meeting of the City of Decatur Board of Adjustment was held at 3:30 p.m. on March 16, 2026, via in-person and videoconferencing with the following in attendance:

**MEMBERS PRESENT:**

Mark Duncum, Chairman  
Danny Cross, Vice-Chairman  
Cecil “Buster” Chandler  
Jay Featherston

**MEMBERS ABSENT:**

Mason Clinesmith

Others present were: Planning Director Lisa Hannon; City Attorney Pam Liston; Assistant Planner Cheryl Fuss; and Information Technology Technician Herandi Martinez representing Staff. Deborah Lusk and Guy Pegues (via Zoom) representing applicant.

**Call to Order: Chairman Duncum called the meeting to order at 3:51 p.m.**

Chairman Duncum announced that there are four (4) members present and there is a quorum.

**ITEM 1:** Consider and take appropriate action regarding approval of the Board of Adjustment Meeting Minutes from February 18, 2026.

**Vice-Chairman Cross made a motion to approve the February 18, 2026, Board of Adjustment Meeting Minutes. Board Member Featherston seconded the motion. The motion passed 4-0, Board Member Clinesmith absent.**

**ITEM 2: BOA-26-0001** - A request by Cheryl Walters, on behalf of Deborah Cashen-Lusk, property owner, pursuant to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.6, “Variances.” The request is for a variance to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Article 5, “Zoning Districts,” Section 5.1.9, “C-1, Restricted Business District,” Subsection D, “Area Regulations,” (1)Size of Yards, (d) Minimum Rear Yard: Ten Feet (10’), to allow an existing, non-conforming concrete block building to encroach 9.78 feet and 9.52 feet, respectively, into the required ten (10) foot rear yard setback at the property located at 1900 W US Hwy 380 Business, Decatur, Texas. **(Cashen-Lusk)**

Planning Director Hannon presented the item BOA-26-0001. She stated twenty-six (26) property owners were notified. Staff has received one (1) response neutral to the request and no (0) responses in favor of or opposed to the request. It was stated that the property owner who submitted the neutral response, emailed staff today and changed their response to opposed.

Chairman Duncum opened the public hearing for BOA-26-0001 at 3:59 p.m.

Chairman Duncum asked if there is anyone in the audience wishing to speak.

*Applicant Deborah Lusk, 1900 W. US Hwy 380 Business, Decatur, Texas, stated she owns both properties, 1900 and 1904 W. US Hwy 380 Business. She stated that 1900 W. US Hwy 380 Business is a residential home. Ms. Lusk stated the concrete building has been in its current location for decades. She said she has made the building esthetically more appealing because of the neighborhood and she has never had any complaints regarding the structure.*

Ms. Lusk stated she is building a small metal building on 1904 W. US Hwy 380 Business.

Mr. Pegues, the property owner of 1803 Oakmeadow Dr., spoke regarding his concerns of buffering, fencing and the protection of the trees along his property.

Discussion between staff, Board Members, Applicant and Property Owner of 1803 Oakmeadow Dr.

Chairman Duncum asked if there is anyone in the audience wishing to speak. There was none. The public hearings were closed at 4:20 p.m.

Chairman Duncum asked if there are any additional questions or comments by the Board Members.

Chairman Duncum asked for a motion for BOA-26-0001.

**Chairman Duncum made a motion that the Board grant request BOA-26-0001, to approve the existing, non-conforming concrete block building to encroach 9.78 feet and 9.52 feet, respectively, along the required ten foot (10') rear yard setback along the northern property line. The minimum rear yard setback to remain ten feet (10'). Vice-Chairman Cross seconded the motion. The motion passed 4-0, Board Member Clinesmith absent.**

**Discussion Items:**

**ITEM 3: Carports**

- a. Setbacks
  - i. Intent of code
- b. Storm damage

Planning Director Hannon stated these items need to be tabled until the next BOA Meeting on 4/13/2026.

**ITEM 4: Infill Development projects**

- a. Special Exceptions/Variances
  - i. Lot sizes
  - ii. Parking
  - iii. Setbacks

Planning Director Hannon stated these items need to be tabled until the next BOA Meeting on 4/13/2026.

**For Your Information Items:**

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

- a. As of the agenda posting, the meeting on **Monday, April 13, 2026**, currently has no (0) BOA Planning application. The application deadline is Monday, March 16, 2026, by 5 p.m. **(The meeting will be an in-person meeting with potential virtual attendance of staff and members of the public unless otherwise determined.)**

Planning Director Hannon stated there are four (4) pending applications currently on the next BOA. She stated that could change based on submittal deadlines, advertising deadlines and the sufficiency of the application.

**Chairman Duncum adjourned meeting at 4:23 p.m.**

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Mark Duncum, Chairman

ATTEST:

Minutes Prepared by:

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Lisa Hannon, Planning Director

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Cheryl Fuss, Assistant Planner



**SPECIAL EXCEPTION STAFF REPORT**

TO: Board of Adjustments  
FROM: Lisa Hannon, Planning Director  
PUBLIC HEARING DATE: April 13, 2026  
RE: BOA-26-0002 – 201 S Cates Street

**Applicant Request:**

**BOA-26-0002** – A request by Cliff Spence, on behalf of Spence Residential Properties, LLC, property owner, pursuant to the City of Decatur Infill Procedure and the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.7, “Special Exceptions,” regarding lot dimensions for the property described as Lot 11R1, Block J, Mrs. E. O. Cates Addition, 201 S Cates Street, 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 5.1.3, “SF-2, Single-Family Residential District,” Subsection D, “Area Regulations,” (2) Size of Lots, (a) “Minimum Lot Area” to allow a 4,353 square foot lot to be created, outside of the minimum area of 8,000 square foot requirement of the SF-2 residential lot dimensions; and (b) “Minimum Lot Width” to allow a 48.40’ wide lot to be created, outside of the minimum lot width of fifty feet (50’) requirement of the SF-2 residential lot dimensions. **(Cliff Spence, on behalf of Spence Residential Properties, LLC)**

**Summary of Applicant’s Request:**

Cliff Spence, applicant, is requesting a special exception regarding lot dimensions for an infill property in the City of Decatur.

**Findings:**

- Finding #1.** This property has been approved as an infill project, pursuant to the City of Decatur’s Residential Infill policy.
- Finding #2.** The property owner has submitted a replat application.
- Finding #3.** Proposing to construct a 1,600 sf cottage-style home with an attached garage.
- Finding #4.** Special Exceptions required:
  - a. Lot Width
    - i. 48.40’ instead of 50’
  - b. Lot Area
    - i. 4,353 sf instead of 8,000
- Finding #5.** All other zoning regulations are being met.
- Finding #6.** Approval of this Special Exception will not change the setbacks for the property. Any new construction on the site will be required to be constructed within the zoning ordinance requirements in effect at the time of construction.

**Conclusions(s):**

- Conclusion #1. Legality:** According to the Texas Local Government Code, the Board of Adjustment may legally authorize variations to the City’s Zoning Ordinance subject to the conditions listed below (§211.008 010). Each case before the Board must be heard by at least 75 percent of its members (§211.008.d), and the Board may only authorize a variation from the terms of the Zoning Ordinance with a concurring vote of 75 percent (§211.009.c).
- Conclusion #2. Special Exception Defined.** A Special Exception is differentiated from a variance because a Special Exception is a form of relief permitted expressly by this Ordinance under specified conditions, a finding of hardship is not

required before it may be granted, and a Special Exception is only allowed for those circumstances and in those cases as set forth in C(2) and as otherwise specifically provided in this Ordinance.

**Conclusion #3.** **[Code excerpt]:** Circumstances for which Special Exceptions are Authorized. When in the Board of Adjustment's judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board of Adjustment may, in specific cases, after public notice and public hearing and subject to conditions and safeguards as the BOA determines appropriate, authorize the following special exceptions to the regulations herein established.

**Conclusion #4.** **Deciding Factors:** The Board of Adjustment reviews the application and the response to the four conditions listed below, and then hears the case to determine if the applicant qualifies. If the Board feels that the applicant has met the stated conditions, then the Board may approve the variation as long as it meets the criteria (§211.009.a.3):

- a. The variation is not contrary to the public interest;
- b. The variation is due to special conditions;
- c. A literal enforcement of the ordinance would result in undue hardship; and
- d. The spirit of the ordinance is observed and substantial justice is done.

**Conclusion #5.** Per Appendix B, Zoning, Section 4.3.7 Special Exceptions, (excerpt), a finding of hardship is not required before it [special exception] may be granted.

**Conclusion #6.** The development of infill lots is desirable, as it increases housing options and affordability, helps end urban sprawl, and improves service delivery to a growing population at a lower cost. Granting a special exception for the lot sizes will encourage infill development in this area of the City of Decatur

**Conclusion #7.** The application is in order, and statutory and code requirements have been met.

**Conclusion #8.** The replat is running concurrently with the Special Exception application.

**Conclusion #9.** The Planning and Zoning Commission recommended approval of the application at the March 30 meeting.

**Conclusion #10.** The replat will be considered by the City Council at the April 27 meeting.

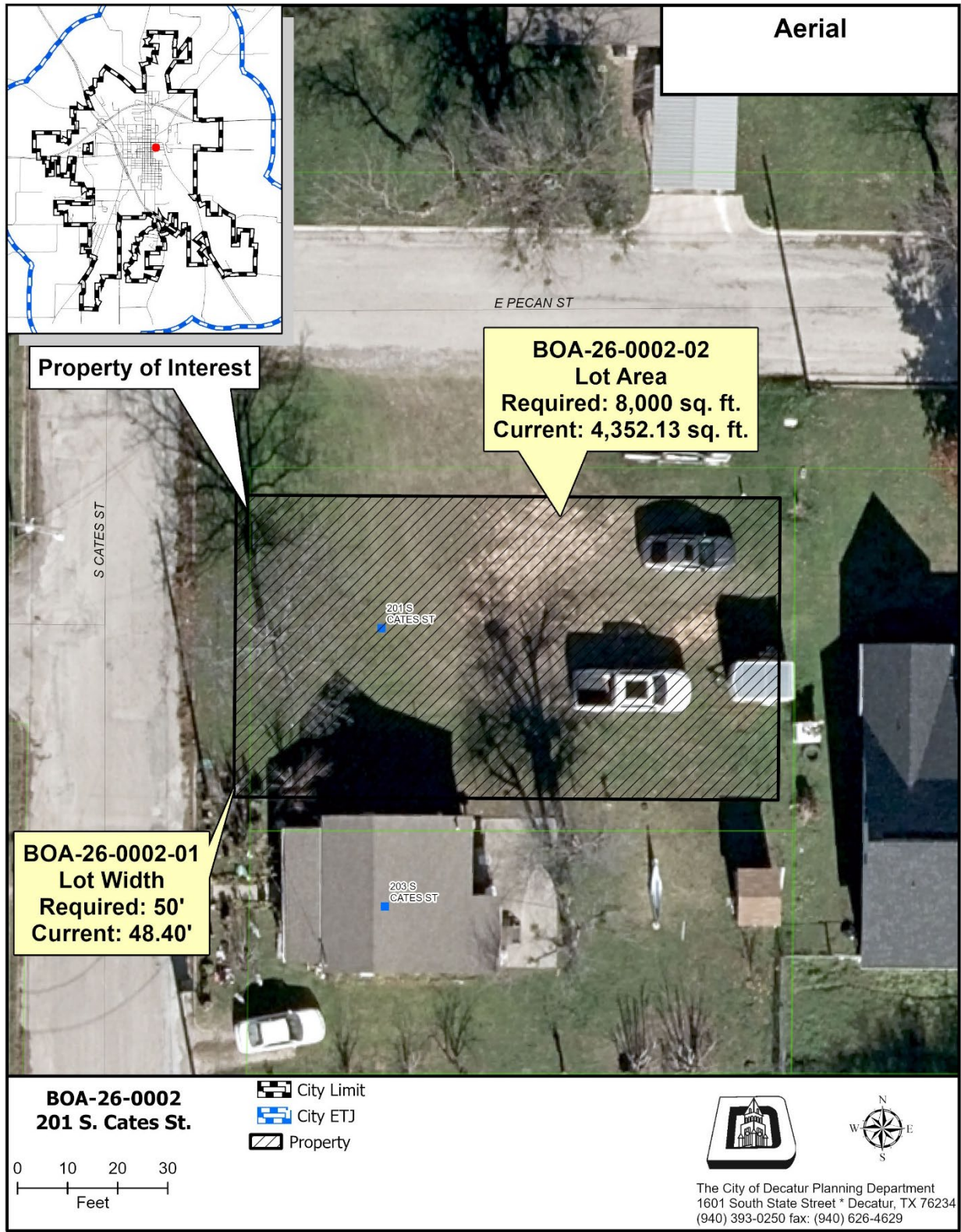
***Staff Recommendations - based on the aforementioned findings & conclusions:***

Based on the above-referenced Findings and Conclusions outlined in the staff report, the Development Services staff recommends approval of BOA-26-0002.

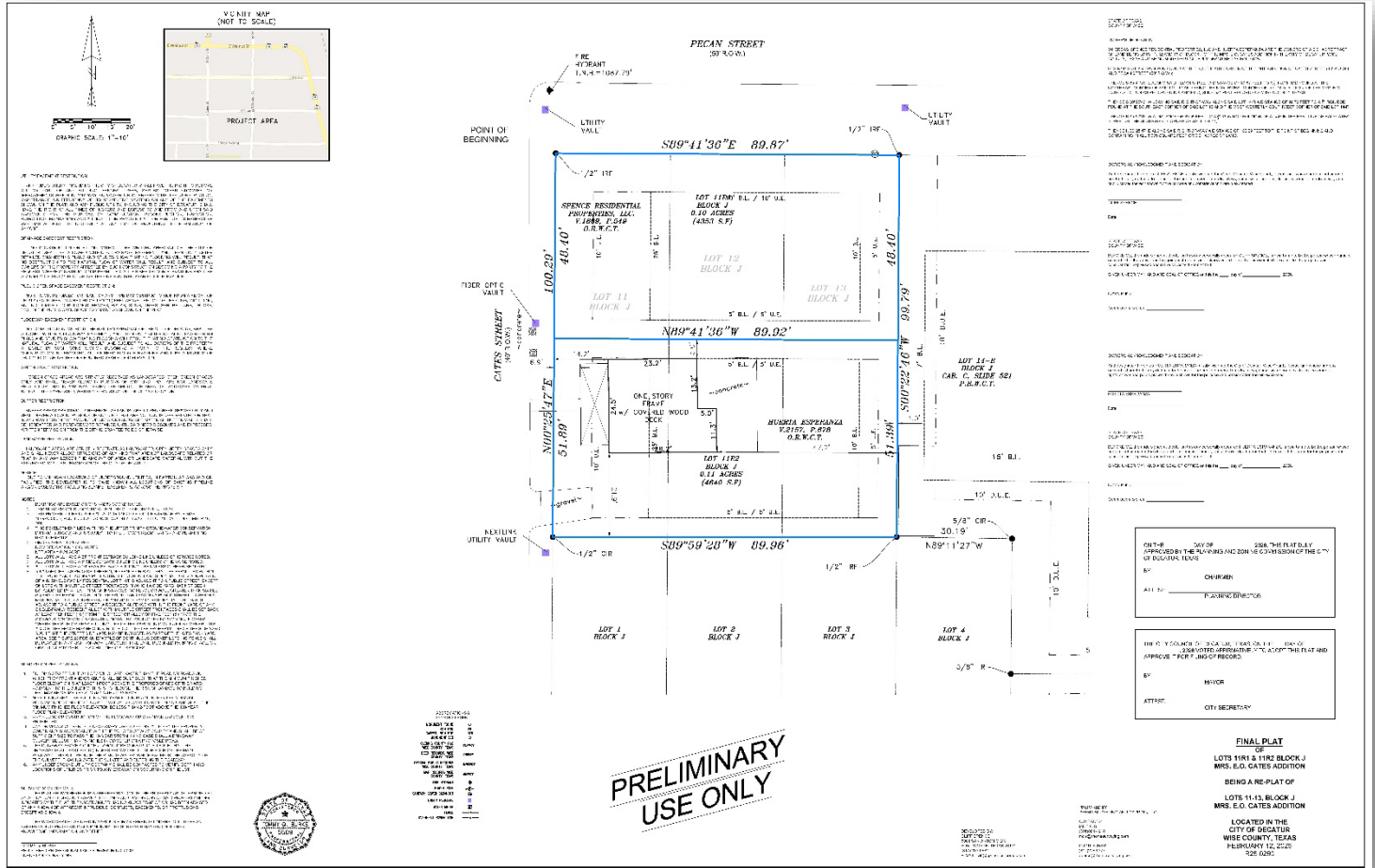
**Attachments:**

1. Aerial Map
2. Site plan/plat exhibit
3. 200' Property Owner Notification and Response Map
4. Property Owner Response Letters
5. Current conditions

# Exhibit "1" Aerial Map

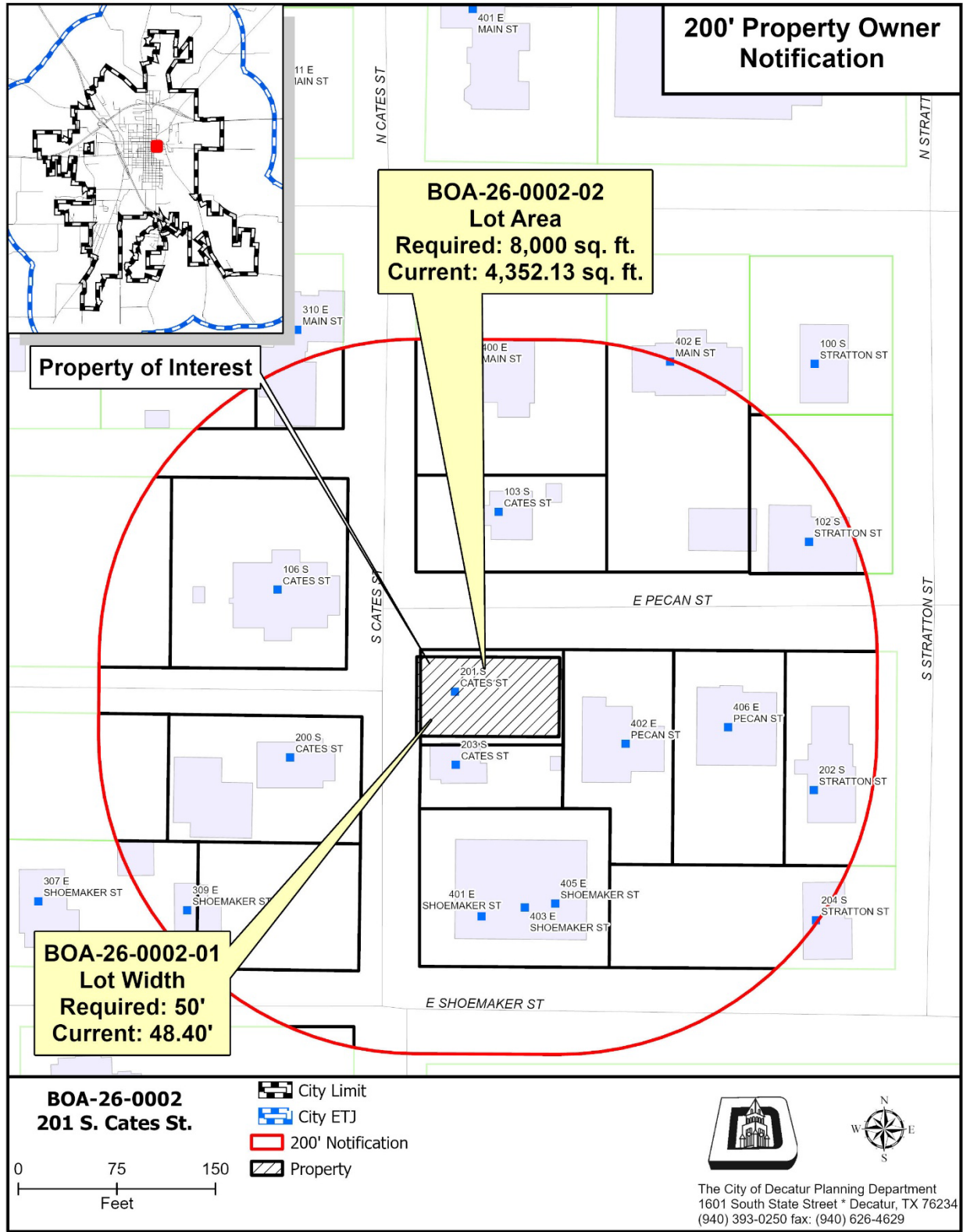


# Exhibit "2" Plat Exhibit





# Exhibit "4" PON Map



**Exhibit "5"**  
**Property Owner Responses**

**NO FORMAL RESPONSES  
RECEIVED AS OF  
APRIL 6, 2026**

**Exhibit "6"**  
**Proposed Architectural Elevations**





**SPECIAL EXCEPTION STAFF REPORT**

TO: Board of Adjustments  
 FROM: Lisa Hannon, Planning Director  
 PUBLIC HEARING DATE: April 13, 2026  
 RE: BOA-26-0003 – 203 S Cates Street

***Applicant Request:***

**BOA-26-0003** – A request by Cliff Spence, on behalf of Huerta Esperanza, property owner, pursuant to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.7, “Special Exceptions,” regarding lot dimensions and structure setbacks for the property described as Lot 11R2, Block J, Mrs. E. O. Cates Addition, 203 S Cates Street, 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 5.1.3, “SF-2, Single-Family Residential District,” Subsection D, “Area Regulations,” (1) Size of Yards, (a) Minimum Front Yard to allow an existing structure to encroach 10.8 feet into the required twenty-five foot (25’) front yard setback along S Cates Street; and (b) Minimum Side Yard to allow an existing structure to encroach 0.2 feet into the side yard, outside of the minimum ten percent (10%) side yard setback requirement of the SF-2 residential area regulations; and (2) Size of Lots, (a) Minimum Lot Area to allow a 4640 square foot lot to be created, outside of the minimum area of 8,000 square foot requirement of the SF-2 residential lot dimensions. **(Cliff Spence, on behalf of Huerta Esperanza, property owner)**

***Summary of Applicant’s Request:***

Cliff Spence, applicant, is requesting a special exception regarding lot dimensions and setbacks for an existing non-conforming structure, for a property in the City of Decatur.

***Findings:***

- Finding #1.** The existing structure has been in place since at least 1995, based on Google Map imagery, before the current owner purchased the property in 2010.
- Finding #2.** The property owner of 201 S Cates Street submitted a replat application. When the application was submitted, the existing structure on 203 S Cates Street was across the property line on the left side.
- Finding #3.** The replat and Special Exception request will bring 203 S Cates Street into compliance.
- Finding #4.** Special Exceptions required:
  - a. Front yard setback
    - i. 14.2’ instead of 25.’
      - 1. Encroachment of 10.8’
  - b. Left side yard setback
    - i. 5.0’ instead of 5.2.’
      - 1. Encroachment of 0.2’
  - c. Lot Area
    - i. 4,640 sf instead of 8,000
- Finding #5.** No site changes are proposed for this property.
- Finding #6.** Approval of this Special Exception will not change the setbacks for the property. Any new construction on the site will be required to be constructed within the zoning ordinance requirements in effect at the time of construction.

**Conclusions(s):**

- Conclusion #1. Legality:** According to the Texas Local Government Code, the Board of Adjustment may legally authorize variations to the City's Zoning Ordinance subject to the conditions listed below (§211.008 010). Each case before the Board must be heard by at least 75 percent of its members (§211.008.d), and the Board may only authorize a variation from the terms of the Zoning Ordinance with a concurring vote of 75 percent (§211.009.c).
- Conclusion #2. Special Exception Defined.** A Special Exception is differentiated from a variance because a Special Exception is a form of relief permitted expressly by this Ordinance under specified conditions, a finding of hardship is not required before it may be granted, and a Special Exception is only allowed for those circumstances and in those cases as set forth in C(2) and as otherwise specifically provided in this Ordinance.
- Conclusion #3. [Code excerpt]:** Circumstances for which Special Exceptions are Authorized. When in the Board of Adjustment's judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board of Adjustment may, in specific cases, after public notice and public hearing and subject to conditions and safeguards as the BOA determines appropriate, authorize the following special exceptions to the regulations herein established.
- Conclusion #4. Deciding Factors:** The Board of Adjustment reviews the application and the response to the four conditions listed below, and then hears the case to determine if the applicant qualifies. If the Board feels that the applicant has met the stated conditions, then the Board may approve the variation as long as it meets the criteria (§211.009.a.3):
- a. The variation is not contrary to the public interest;
  - b. The variation is due to special conditions;
  - c. A literal enforcement of the ordinance would result in undue hardship;
  - and
  - d. The spirit of the ordinance is observed and substantial justice is done.
- Conclusion #5.** Per Appendix B, Zoning, Section 4.3.7 Special Exceptions, (excerpt), a finding of hardship is not required before it [special exception] may be granted.
- Conclusion #6.** The application is in order, and statutory and code requirements have been met.
- Conclusion #7.** The replat is running concurrently with the Special Exception application.
- Conclusion #8.** The Planning and Zoning Commission recommended approval of the application at the March 30 meeting.
- Conclusion #9.** The replat will be considered by the City Council at the April 27 meeting.

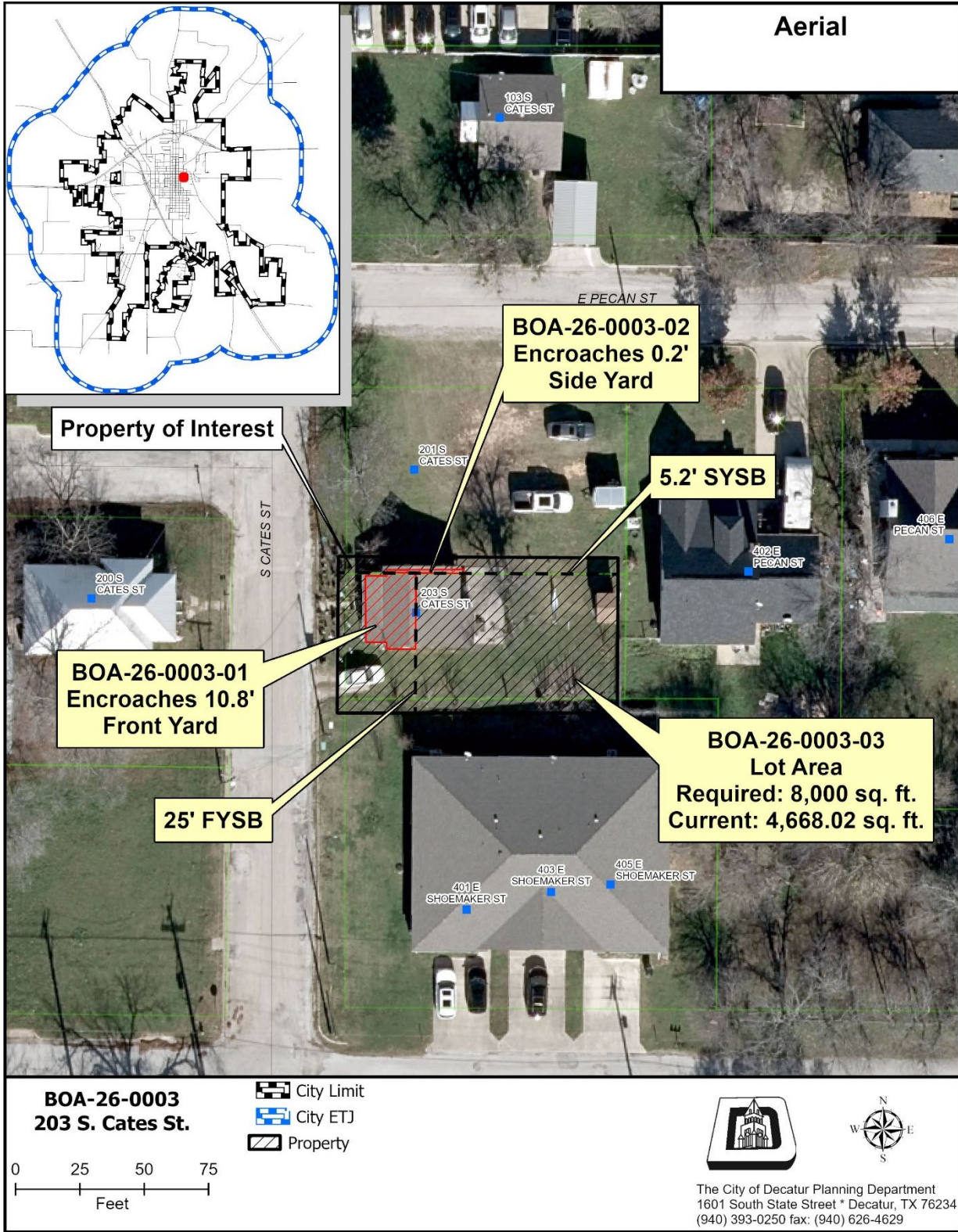
**Staff Recommendations - based on the aforementioned findings & conclusions:**

Based on the above-referenced Findings and Conclusions outlined in the staff report, the Development Services staff recommends approval of BOA-26-0003.

**Attachments:**

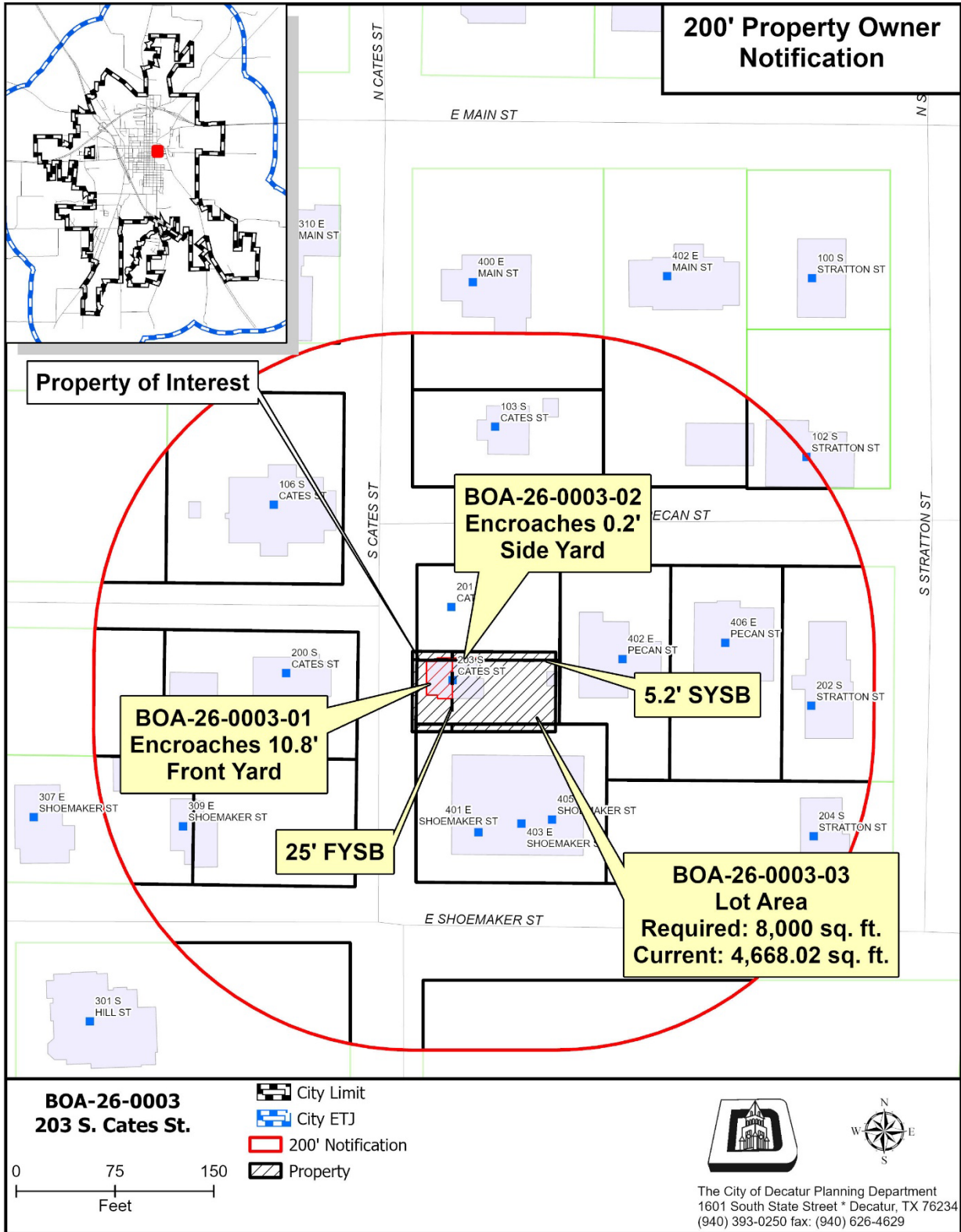
1. Aerial Map
2. Plat exhibit
3. 200' Property Owner Notification and Response Map
4. Property Owner Response Letters
5. Street View

# Exhibit "1" Aerial Map





# Exhibit "3" PON Map



**Exhibit “4”  
Property Owner Responses**

**NO FORMAL RESPONSES  
RECEIVED AS OF  
APRIL 6, 2026**

## Exhibit "5" Street View





**SPECIAL EXCEPTION STAFF REPORT**

TO: Board of Adjustments  
 FROM: Lisa Hannon, Planning Director  
 PUBLIC HEARING DATE: April 13, 2026  
 RE: BOA-26-0004 – 1600 S College Avenue

**Applicant Request:**

**BOA-26-0004** – A request by Eric Kavicky, property owner, pursuant to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.7, “Special Exceptions,” regarding setbacks for an existing structure for the property described as Lot 1R, Block 111, South Decatur Addition, being a replat of Lots 1, 2, and 4, Block 111, South Decatur Addition, City of Decatur, Wise County, Texas. The request is for a variance to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Article 7, “Accessory Structure Regulations,” Section 7.6.1, “Accessory Buildings and Structures in Residential Districts,” Subsection B, “Side Yard,” to allow an existing pool house building to encroach 0.1 foot into the side yard, outside of the minimum side yard requirement of three feet (3’); and Subsection C, “Rear Yard,” to allow an existing pool house building to encroach 3.2 feet into the rear yard, outside of the minimum rear yard requirement of ten feet (10’). **(Eric Kavicky, property owner)**

**Summary of Applicant’s Request:**

Eric Kavicky, property owner, is requesting a special exception for an existing non-conforming accessory structure.

**Findings:**

- Finding #1.** During the recent ice storm, the property owner’s carport was destroyed. In order to replace the carport, the property must be platted.
- Finding #2.** The property owner has submitted the platting applications, which led to the discovery of the non-conforming structure.
- Finding #3.** There is an existing pool house at the rear of the property.
- Finding #4.** The pool house has two nonconforming rear and side-yard setbacks.
  - a. 6.8’ rear yard setback, instead of 10.’
  - b. 2.9’ side yard setback, instead of 3.’
- Finding #5.** These setbacks require Special Exceptions to be approved by the Board of Adjustments.
- Finding #6.** Approval of this Special Exception will not change the setbacks for the property. Any new construction on the site will be required to be constructed within the zoning ordinance requirements in effect at the time of construction.

**Conclusion(s):**

- Conclusion #1. Legality:** According to the Texas Local Government Code, the Board of Adjustment may legally authorize variations to the City’s Zoning Ordinance subject to the conditions listed below (§211.008 010). Each case before the Board must be heard by at least 75 percent of its members (§211.008.d), and the Board may only authorize a variation from the terms of the Zoning Ordinance with a concurring vote of 75 percent (§211.009.c).
- Conclusion #2. Special Exception Defined.** A Special Exception is differentiated from a variance because a Special Exception is a form of relief permitted expressly by this Ordinance under specified conditions, a finding of hardship is not required before it may be granted, and a Special Exception is only allowed

for those circumstances and in those cases as set forth in C(2) and as otherwise specifically provided in this Ordinance.

**Conclusion #3.** **[Code excerpt]:** Circumstances for which Special Exceptions are Authorized. When in the Board of Adjustment's judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board of Adjustment may, in specific cases, after public notice and public hearing and subject to conditions and safeguards as the BOA determines appropriate, authorize the following special exceptions to the regulations herein established.

**Conclusion #4.** **Deciding Factors:** The Board of Adjustment reviews the application and the response to the four conditions listed below, and then hears the case to determine if the applicant qualifies. If the Board feels that the applicant has met the stated conditions, then the Board may approve the variation as long as it meets the criteria (§211.009.a.3):

- a. The variation is not contrary to the public interest;
- b. The variation is due to special conditions;
- c. A literal enforcement of the ordinance would result in undue hardship; and
- d. The spirit of the ordinance is observed and substantial justice is done.

**Conclusion #5.** Per Appendix B, Zoning, Section 4.3.7 Special Exceptions, (excerpt), a finding of hardship is not required before it [special exception] may be granted.

**Conclusion #6.** The application is in order, and statutory and code requirements have been met.

**Conclusion #7.** The replat is running concurrently with the Special Exception application.

**Conclusion #8.** The Planning and Zoning Commission recommended approval of the replat application at the March 30 meeting.

**Conclusion #9.** The replat will be considered by the City Council at the April 27 meeting.

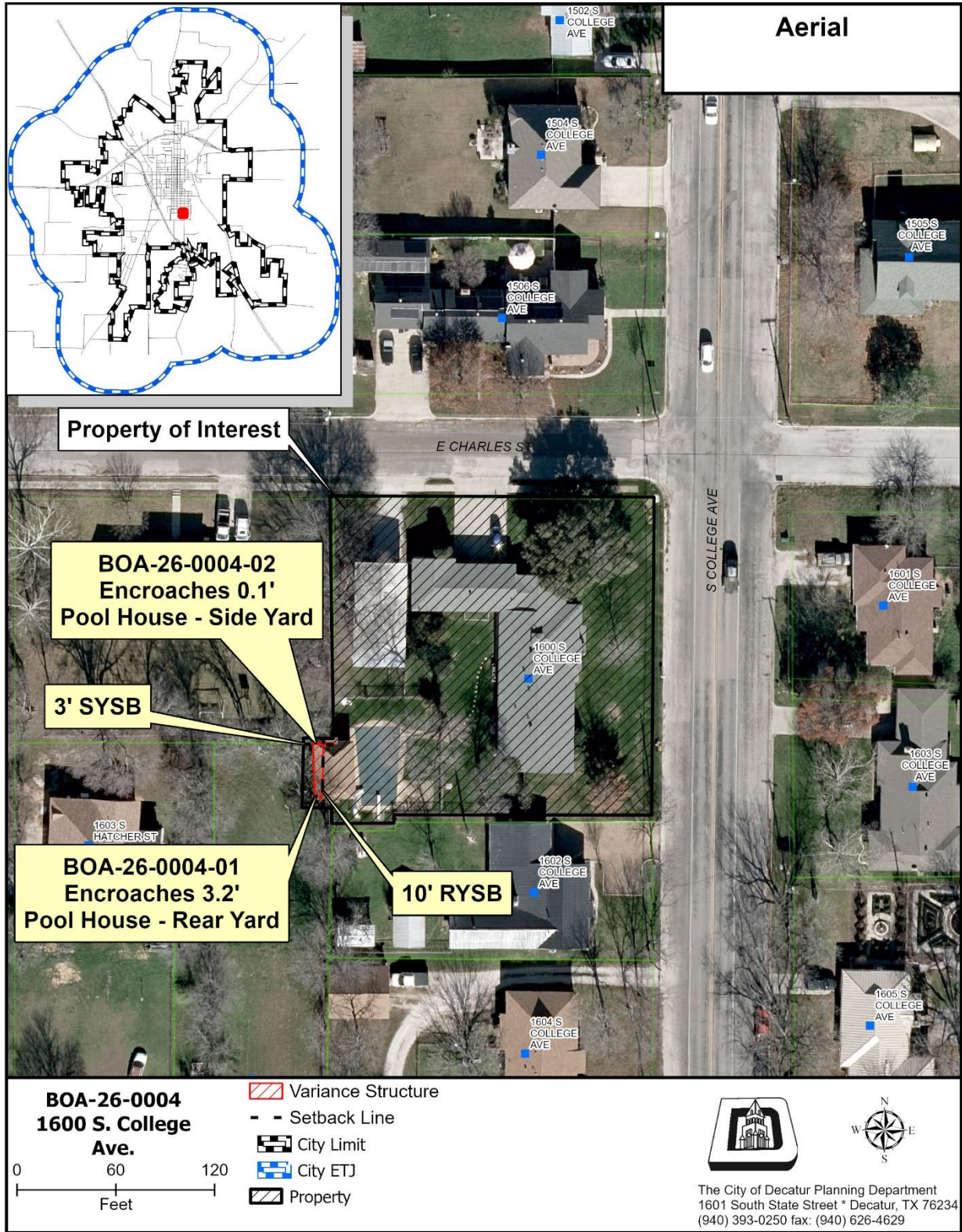
***Staff Recommendations - based on the aforementioned findings & conclusions:***

Based on the above-referenced Findings and Conditions, the Development Services staff recommends approval of BOA-26-0004, with the above-stated conditions.

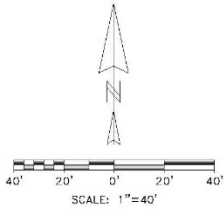
**Attachments:**

1. Aerial Map
2. Survey
3. 200' Property Owner Notification and Response Map
4. Property Owner Response Letters
5. Street view

# Exhibit "1" Aerial Map



# Exhibit "2" Survey



### UTILITY LEGEND

- ⊕ PROpane TANK
- ⊙ WELL HEAD
- ⊙ GAS MTR
- ⊕ WATER VALVE
- ⊕ WATER METER
- ⊕ GAS VALVE
- ⊕ GAS METER
- ⊕ UTILITY MTR
- ⊕ AIR CONDITIONER
- ⊕ ELECTRIC METER
- ⊕ TRANSFORMER PAD
- ⊕ ANTENNA
- ⊕ TELEPHONE MTR
- ⊕ CITY RISER
- ⊕ SOIL
- ⊕ SEPTIC LID
- ⊕ STORM SEWER
- ⊕ SANITARY SEWER MANHOLE
- ⊕ MAILBOX
- ⊕ UTILITY POLE
- ⊕ LIGHT POLE
- ⊕ FIRE HYDRANT

### SURVEY LEGEND

- IRSC IRON ROD SET WITH A "T" IRON'S "POOR CAP"
- IRFC CAPPED IRON ROD FOUND
- IRFD IRON ROD FOUND
- CHSX CHISEL "X"
- SEFX STEEL FENCE POST

### AREA LEGEND

- CONCRETE
- ASPHALT
- GRAVEL
- FRASSEMENT
- AWNING OR CANOPY, COVERED AREA
- POOL
- WALL

### LINE TYPE LEGEND

- BARBED WIRE FENCE
- WIRE FENCE
- PIPE FENCE
- COT WIRE
- OVERHEAD ELECTRIC
- OVERHEAD TELEPHONE
- OVERHEAD ELECTRIC & TELEPHONE
- GAS LINE
- WATER LINE
- STORM SEWER LINE
- SANITARY SEWER LINE

### LEGAL DESCRIPTION

BEING a 0.81 acre tract of land one being a portion of Lot 1, 2 and 4 of Block 111, South Decatur Addition, an addition to the City of Decatur, Wise County, Texas according to the Plat recorded in Volume 8, Page 642 of the Deed Records of Wise County, Texas and being more particularly described as follows:

BEGINNING at a 1" pipe found in the South line of E Charles Street and the West line of S College Avenue and being the Northeast corner of said Lot 1;

THENCE S 0°25'24" W along said West right-of-way a distance of 158.85 feet to a 1" pipe found at the Northeast corner of that certain tract of land as described in deed to Shaeleigh and Derrick Wulstinger as recorded in Instrument No. 202319584 Official Records of Wise County, Texas;

THENCE N 89°53'47" W leaving said right-of-way one along said Wulstinger tract a distance of 129.53 feet to a 1/2" iron rod set with a cap;

THENCE S 0°06'41" E across said Wulstinger tract a distance of 4.24 feet to a fence post for a corner;

THENCE S 89°53'47" W across said Wulstinger tract a distance of 33.31 feet to a 1/2" iron rod found with a cap in the East line of Lot 2A, Block 111 South Decatur Addition as recorded in Instrument No. 202319584 Official Records of Wise County, Texas;

THENCE N 01°45'59" E along said Lot 2A a distance of 7.86 feet to a 1/2" iron rod found with a cap;

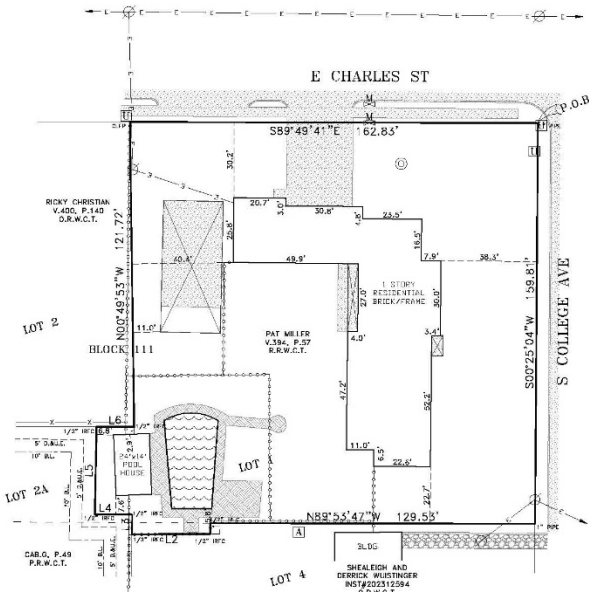
THENCE N 89°45'48" W along said Lot 2A a distance of 13.30 feet to a 1/2" iron rod found with a cap;

THENCE N 01°45'59" E along said Lot 2A a distance of 35.01 feet to a 1/2" iron rod found with a cap in the South line of that certain tract of land as described in deed to Ricky Christian as recorded in Volume 430, Page 140 S.R.W.C.T.;

THENCE S 89°48'46" E along said Christian tract a distance of 15.00 feet to a 1/2" iron rod found with a cap at the Southeast corner of said Christian tract;

THENCE N 00°49'53" W along said Christian tract a distance of 121.72 feet to a chain link fence post found for a corner at the Northeast corner of said Christian tract, the Northwest corner of said Lot 1 and being in the South line of said E Charles St.;

THENCE S 89°48'46" E along said South right-of-way a distance of 162.83 feet to the Point of Beginning and consisting in all 78,452 square feet or 0.61 acres of land.



LINE	BEARING	DISTANCE
L1	S00°06'41"E	4.24'
L2	S89°53'47"W	33.31'
L3	N01°45'59"E	7.86'
L4	N89°45'48"W	13.30'
L5	N01°45'59"E	35.01'
L6	S89°48'46"E	15.00'

NOTES:  
 1. BEARINGS ARE BASED ON GPS RADIAL COORDINATES.  
 2. UNDERGROUND PIPELINES MAY EXIST THAT ARE NOT RECORDED AND/OR SHOWN. PLEASE CONTACT AT 1 BEFORE PROCEEDING WITH ANY TYPE OF DIGGING.

### SURVEYORS CERTIFICATE

THE PLAT SHOWN HEREIN IS A REPRESENTATION OF THE PROPERTY AS DETERMINED BY AN ACTUAL ON THE GROUND SURVEY. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING INDICATED BY THE PLAT, THE UNDERSIGNED HAS NO KNOWLEDGE OF OR HAS BEEN ADVISED OF ANY KNOWN OR APPARENT INTERFERENCES, ENCUMBRANCES, OR PROTRUSIONS EXCEPT AS SHOWN.

THE WORD CERTIFY AS USED IN VARIOUS FORMS HEREIN IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR BASED ON HIS BEST KNOWLEDGE, INFORMATION, AND BELIEF.

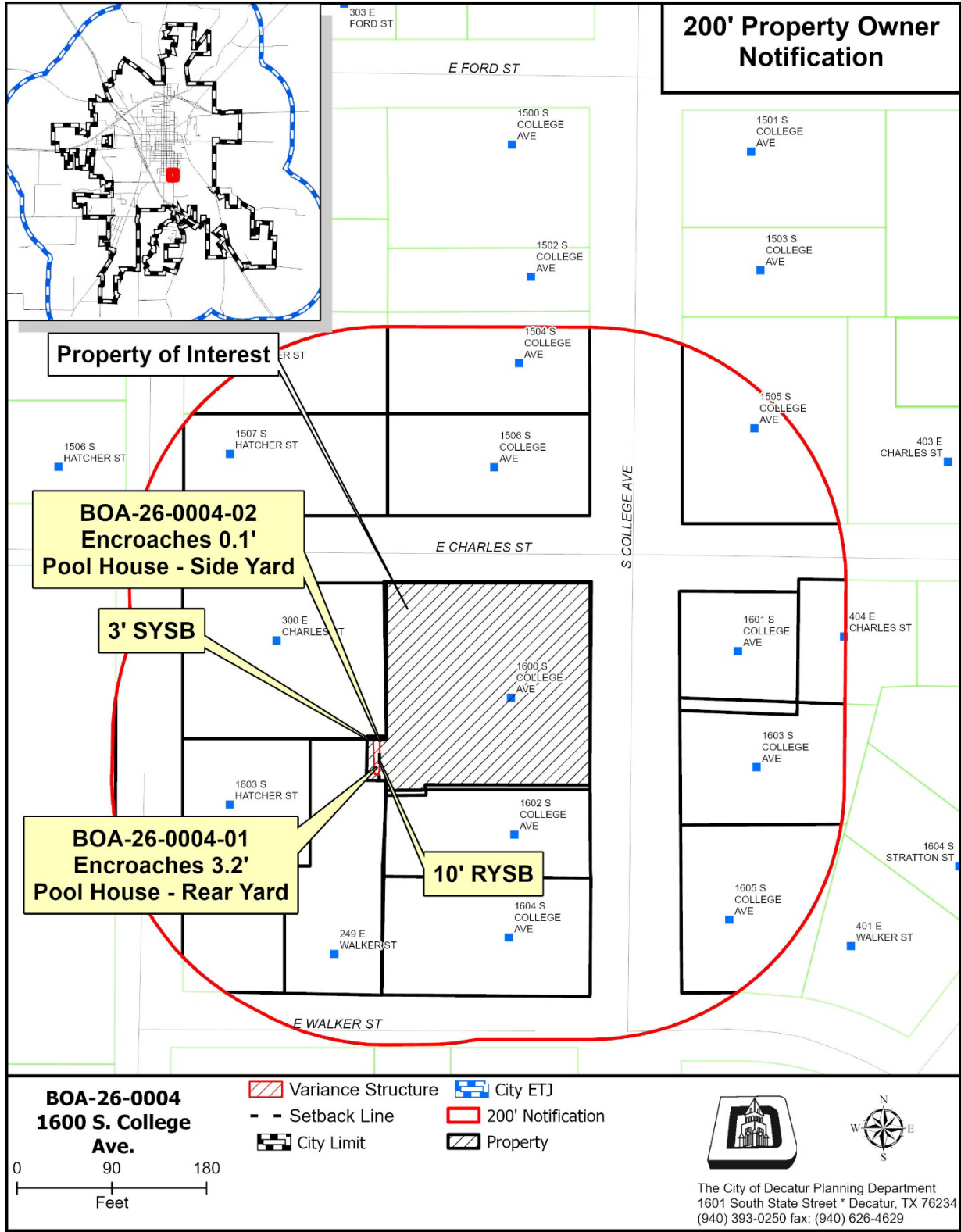
TOMMY Q. BLURKS  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5509  
 BLURKS LAND SURVEYING



PREPARED BY:  
 BLURKS LAND SURVEYING  
 223 CR 1260  
 DECATUR, TEXAS 76234  
 (817) 224-5577  
 E-MAIL: tblurks@blurksland.com  
 CONTACT: QUINT BLURKS

TITLE SURVEY  
 OF  
 1600 S COLLEGE AVE  
 SITUATED IN THE  
 CITY OF DECATUR  
 WISE COUNTY, TEXAS  
 MAY 14, 2024  
 22303-1600

# Exhibit "3" PON Map



**Exhibit “4”  
Property Owner Responses**

**NO FORMAL RESPONSES  
RECEIVED AS OF  
APRIL 6, 2026**

**Exhibit "5"  
Street View**





## SPECIAL EXCEPTION STAFF REPORT

TO: Board of Adjustments  
 FROM: Lisa Hannon, Planning Director  
 PUBLIC HEARING DATE: April 13, 2026  
 RE: BOA-26-0005 – 1104 S State Street

### Applicant Request:

**BOA-26-0005** – A request by Connie Lamirand, property owner, pursuant to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Section 4.3.7, “Special Exceptions,” regarding setbacks for existing structures on the property described as a 0.438 acre tract in Lots 3 and 4, Block 58, South Decatur Addition, and part of Saunders Street (not open), recorded in Clerk’s File Number 201802116, Official Records of Wise County, Texas; 1104 S State Street, 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 5.1.3, “SF-2, Single-Family Residential District,” Subsection D, “Area Regulations,” (1) Size of Yards, (a) Minimum Front Yard to allow an existing structure to encroach 2.3 feet and 1.2 feet, respectively, outside of the minimum front yard setback requirement of twenty-five foot (25’) per the SF-2 residential area regulations; and Article 7, “Accessory Structure Regulations,” Section 7.6.1, “Accessory Buildings and Structures in Residential Districts,” Subsection B, “Side Yard,” to allow an existing shed structure to encroach 0.6 foot into the side yard, outside of the minimum side yard requirement of 3 feet; and Subsection C, “Rear Yard,” to allow an existing shed structure to encroach 6.9 feet into the rear yard, outside of the minimum rear yard requirement of ten feet (10’). **(Connie Lamirand, property owner)**

### Summary of Applicant’s Request:

Connie Lamirand, property owner, is requesting special exceptions for the existing single-family residential structure and an accessory structure.

### Findings:

- Finding #1.** The property owner is looking to replat the property, which led to the discovery of the non-conforming structure.
- Finding #2.** The property owner wanted to clear up the nonconforming setbacks before submitting the replat application.
- Finding #3.** The existing single-family residential structure has nonconforming front yard setbacks.
  - a. 23.8’ and 22.7’ front yard setbacks, instead of 25.’
- Finding #4.** The existing accessory shed structure in the rear has nonconforming setbacks.
  - a. 3.1’ rear yard setback, instead of 10.’
  - b. 2.4’ side yard setback, instead of 3.’
- Finding #5.** Approval of this Special Exception will not change the setbacks for the property. Any new construction on the site will be required to be constructed within the zoning ordinance requirements in effect at the time of construction.

### Conclusion(s):

- Conclusion #1. Legality:** According to the Texas Local Government Code, the Board of Adjustment may legally authorize variations to the City’s Zoning Ordinance subject to the conditions listed below (§211.008 010). Each case before the Board must be heard by at least 75 percent of its members (§211.008.d), and

the Board may only authorize a variation from the terms of the Zoning Ordinance with a concurring vote of 75 percent (§211.009.c).

**Conclusion #2. Special Exception Defined.** A Special Exception is differentiated from a variance because a Special Exception is a form of relief permitted expressly by this Ordinance under specified conditions, a finding of hardship is not required before it may be granted, and a Special Exception is only allowed for those circumstances and in those cases as set forth in C(2) and as otherwise specifically provided in this Ordinance.

**Conclusion #3. [Code excerpt]:** Circumstances for which Special Exceptions are Authorized. When in the Board of Adjustment's judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Board of Adjustment may, in specific cases, after public notice and public hearing and subject to conditions and safeguards as the BOA determines appropriate, authorize the following special exceptions to the regulations herein established.

**Conclusion #4. Deciding Factors:** The Board of Adjustment reviews the application and the response to the four conditions listed below, and then hears the case to determine if the applicant qualifies. If the Board feels that the applicant has met the stated conditions, then the Board may approve the variation as long as it meets the criteria (§211.009.a.3):

- a. The variation is not contrary to the public interest;
- b. The variation is due to special conditions;
- c. A literal enforcement of the ordinance would result in undue hardship; and
- d. The spirit of the ordinance is observed and substantial justice is done.

**Conclusion #5.** Per Appendix B, Zoning, Section 4.3.7 Special Exceptions, (excerpt), a finding of hardship is not required before it [special exception] may be granted.

**Conclusion #6.** The application is in order, and statutory and code requirements have been met.

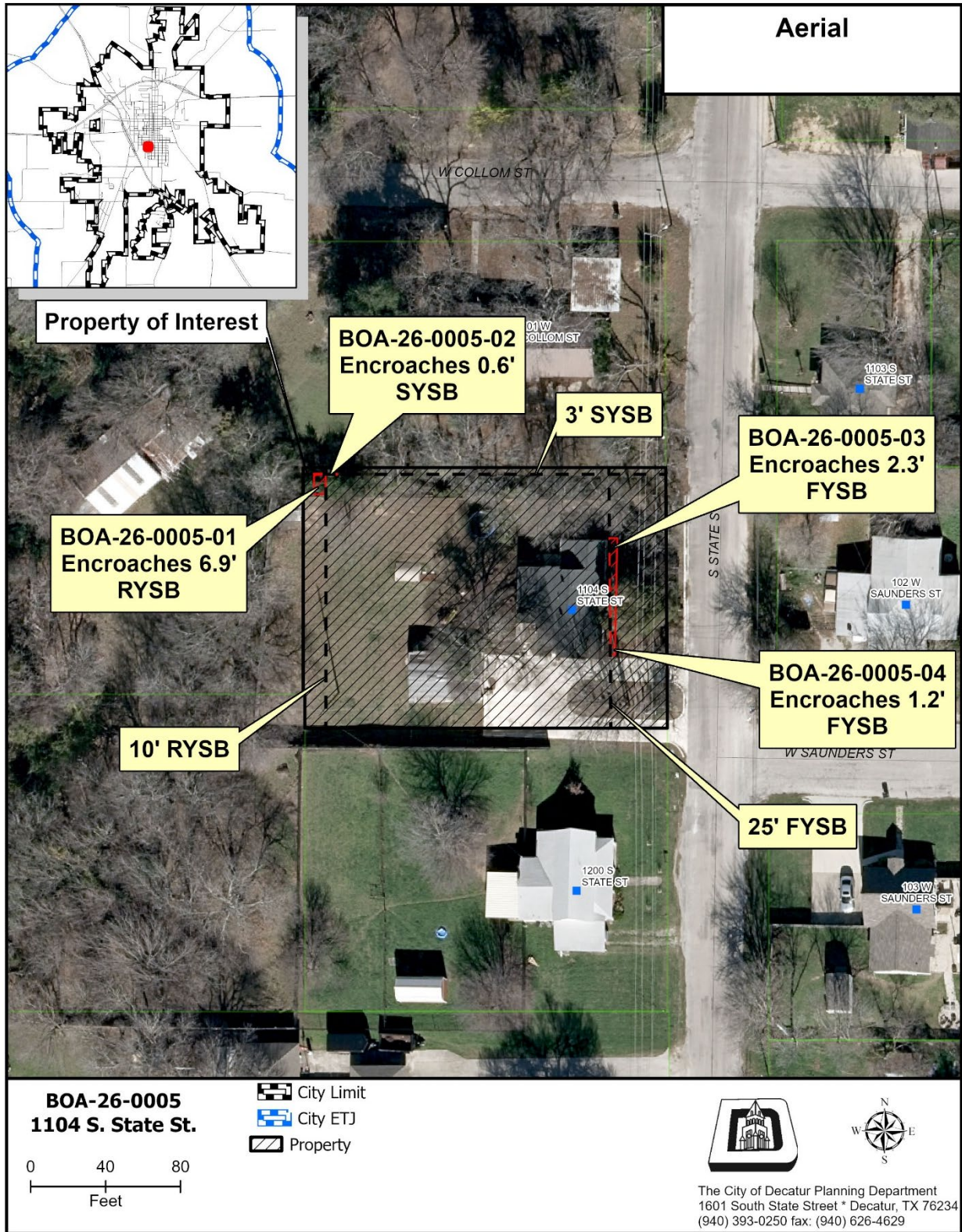
***Staff Recommendations - based on the aforementioned findings & conclusions:***

Based on the above-referenced Findings and Conditions, the Development Services staff recommends approval of BOA-26-0005, with the above-stated conditions.

Attachments:

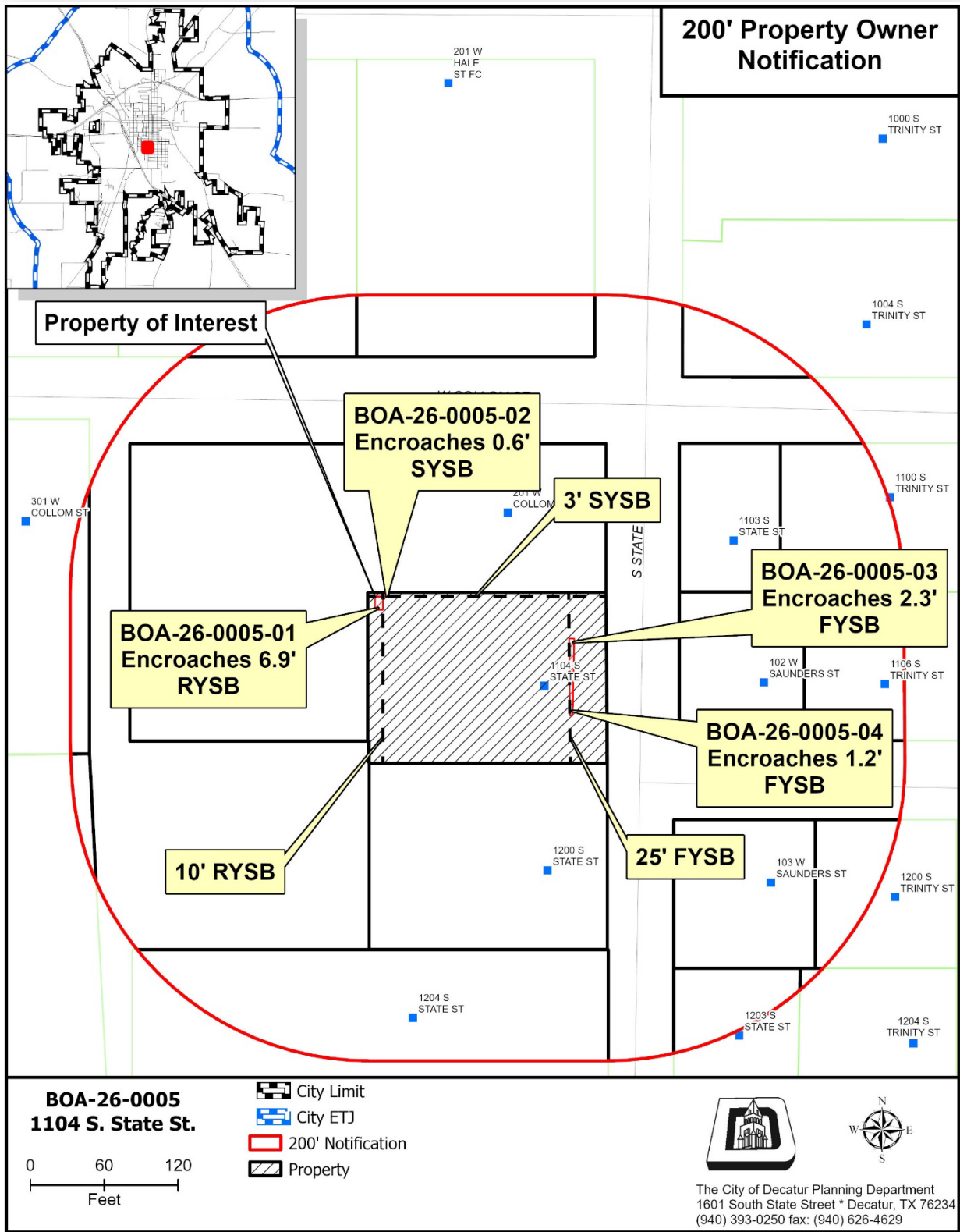
1. Aerial Map
2. Survey
3. 200' Property Owner Notification and Response Map
4. Property Owner Response Letters
5. Current conditions

# Exhibit "1" Aerial Map





# Exhibit "3" PON Map



**Exhibit “4”  
Property Owner Responses**

**NO FORMAL RESPONSES  
RECEIVED AS OF  
APRIL 6, 2026**

# Exhibit "5" Current Conditions

