



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, FEBRUARY 27, 2024 - 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

PLEDGE OF ALLEGIANCE

INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the BOA on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the BOA as a whole. **When addressing the BOA, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and BOA.**

PUBLIC HEARING

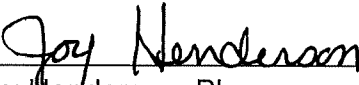
1. Conduct a public hearing and consider a request from Tiaria Richardson, property owner, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.1 regarding lot area, Section 17.4.A.2 regarding lot width, Section 17.4.B.2 regarding side yard setback, and Section 17.4.C regarding lot coverage. The owner is requesting a variance to allow a house to be built on the lot. The property is zoned Single Family Residential – 6 (SF-6). The subject property is located at 1009 East 1st North Street (PID 28669), being part of Block 326 of the Kaufman Revised Addition. (Case No. V-01-24)
 - a. Open Public Hearing
 - b. Close Public Hearing
 - c. Board Discussion
 - d. Take Action on Request

CONSENT AGENDA

2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the June 20, 2023 Regular Meeting.

ADJOURNMENT

I, JOY HENDERSON, PLANNER, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 4:30 P.M. ON FRIDAY, FEBRUARY 23, 2024 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.


Joy Henderson, Planner

THE ZONING BOARD OF ADJUSTMENTS RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY).

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



Public Hearing Item #1
Case V-01-24

Zoning Board of Adjustment Public Hearing:

February 27, 2024

Applicant/Owner:

Tiaria Richardson

Location:

1009 E. 1st North Street

Part of Block 326 of the Kaufman Revised Addition
City of Kaufman, Kaufman County, Texas (PID 28669)

BACKGROUND:

The property located in the Kaufman Revised Addition is zoned Single-Family Residential-6 ("SF-6") and is currently a non-conforming undeveloped lot. The existing lot contains 4,500 square feet and is 45 feet wide and 100 feet deep. This meets the minimum lot depth for the "SF-6" zoning district, but does not meet the minimum lot area of 6,000 square feet or the lot width of 60 feet. There is not additional property available to increase the lot width since the surrounding lots are currently developed and occupied with single-family residences.

The variances are necessary because the non-conforming lot does not meet the minimum lot area or the minimum lot width. The approval of the variance will make the lot a conforming lot, which will allow a building permit to be issued for the construction of a new house with the required two car garage. The property will have an area of 4,500 square feet (45 feet wide by 100 feet deep) in which to build a house.

The applicant plans to build a 35' x 50' two-story house on the property, with an enclosed floor area of 2,993 sq. ft.). The house can adhere to the 25' front yard setback and the 25' rear yard setback, but the plans will need to be revised to show the house shifted 2'-11-½" closer to the street. 1' variances to the 6' side yard setbacks will be required. In addition, the 1,750 sq. ft. footprint of the structure on a 4,500 sq. ft. lot will equate to a 38.9% lot coverage, which exceeds the maximum lot coverage of 35% by 3.9%.

To give you an idea of what a house would look like on a small lot, you can look at the smaller lots and houses in the Georgetown at Kings Fort Addition (along the Highway 34 Bypass). A good majority of those lots are between 5,000 and 6,000 SF and the house size averages 2,866 SF with an average cost of \$317,508.

REQUESTED VARIANCES:

The requested variance is to Chapter 118, Zoning" of the Code of Ordinances, City of Kaufman Zoning Ordinance, O-02-07 for property addressed as 1009 E. 1st North Street (PID 28669).

1. Section 17.4.A.1 – Minimum lot area

- a. Required - Minimum 6000 square foot lot area
- b. Requested – 1,500 square foot variance

- c. If approved - it would allow a minimum square foot lot area of 4,500 square feet
2. **Section 17.4.A.2 – Minimum lot width**
 - a. Required - Minimum 60 foot width
 - b. Requested – 15 foot variance
 - c. If approved - it would allow a minimum lot width of 45 feet
3. **Section 17.4.B.2 – Minimum side yard setback**
 - a. Required - Minimum 6 foot side yard setback
 - b. Requested – 1 foot variance on each side
 - c. If approved - it would allow a minimum side yard setback of 5 feet
4. **Section 17.4.C - Maximum lot coverage**
 - a. Required - Maximum 35% lot coverage for the main building
 - b. Requested – 3.9% variance
 - c. If approved - it would allow a maximum lot coverage of 38.9%

UNDUE HARDSHIP FOR VARIANCES:

Staff found an undue hardships exists for the requested variances due to the following circumstances existing on the property:

1. The existing non-conforming lot is limited because the surrounding lots are currently developed and occupied with single-family residences (or the property owners are not willing to sell), and there is no additional land available to increase the lot size or the lot width.
2. The small size of the lot makes it difficult to accommodate a contemporary house with a two-car garage and adequate living space without some modification to the side yard setback and lot coverage requirements. The proposed 5' side yard setbacks will still allow the standard building separation requirements to be met.
3. The proposed house will meet the minimum front yard and rear yard setback requirements and the lot meets the minimum lot depth requirements.

Staff therefore offers the following recommendations related to Case #V-01-24:

1. Staff recommends **approval** of the variance request to the **minimum lot area** to allow the property to have a minimum lot area of 4,500 square feet.
2. Staff recommends **approval** of the variance request to the **minimum lot width** to allow the property to have a minimum lot width of 45 feet.
3. Staff recommends **approval** of the variance request to the **minimum side yard setback** to allow the house to have a minimum side yard setback of 5 feet.
4. Staff recommends **approval** of the variance request to the **maximum lot coverage** to allow the house to have a maximum lot coverage of 38.9 percent.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 23 property owners within 300' of 1009 E. 1st North Street. The results are as follows:

- Property owners returned letters in opposition of the request: 2
- Property owners returned the letter in agreement of the request: 0
- Property owners who have not responded: 21

Attachments:

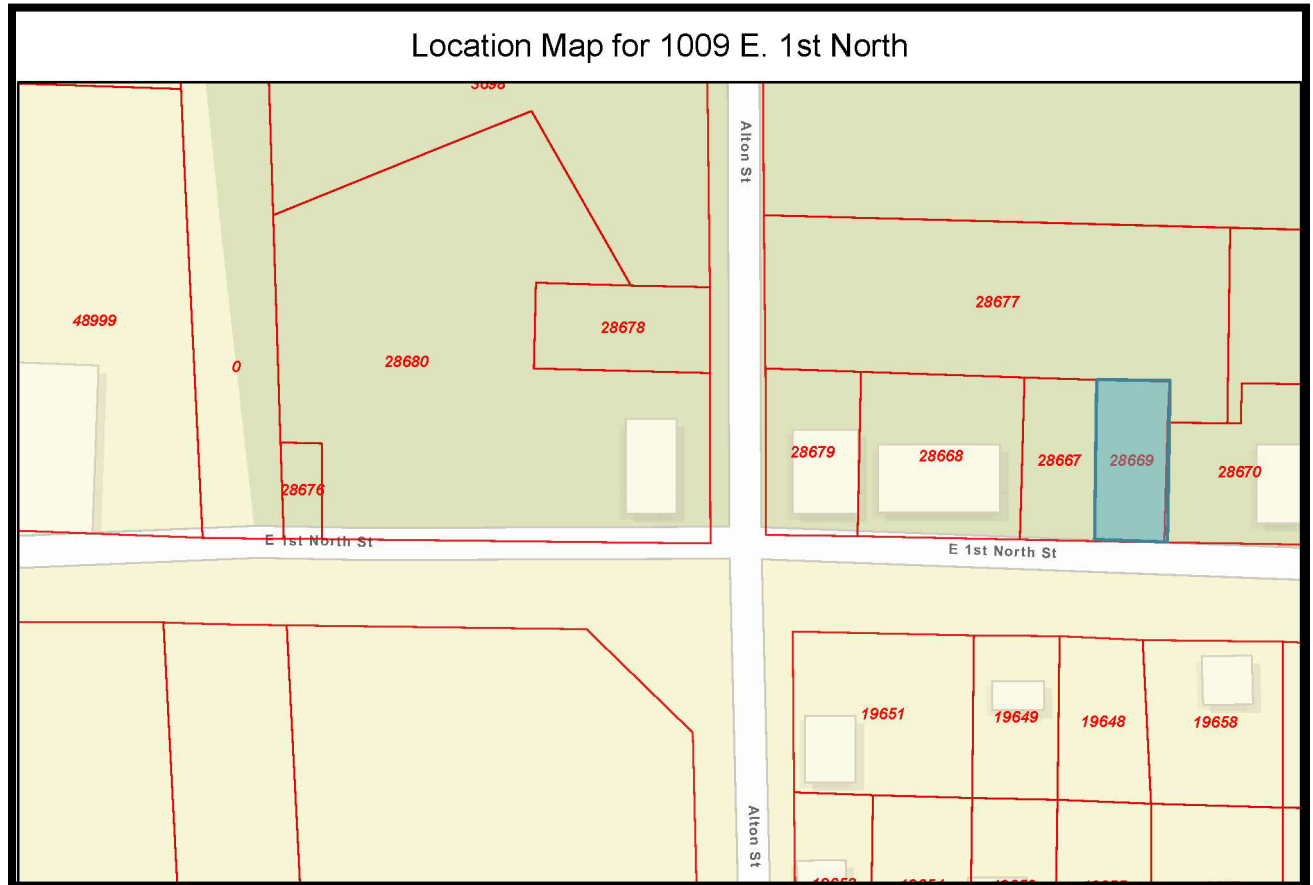
Location Map

Application

Survey

Plot Plan

Property Owner Responses



Application Page 1

Case Number: V- _____



BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
Street Address: 1009 E. 1st North Street
Lot, Block, & Subdivision Name: _____
2. **Applicant:**
Name: TIARIA RICHARDSON
Address: 4917 Las Lomas Dr
City/State: Mesquite, TX 75150 Zip: 75150
Office #: _____ Cell #: 469-328-0073 Fax #: _____
Email Address: Sweetteeinvestments@gmail.com
3. **Property Owner:**
Name: Sweet Tee Investments LLC
Address: 4917 Las Lomas Dr
City/State: Mesquite, TX Zip: 75150
Office #: _____ Cell #: 469-328-0073 Fax #: _____
Email Address: Sweetteeinvestments@gmail.com
4. **List the requested variances. If necessary, use a separate sheet.**

Section	Required	Variance Amount Needed
Sect. <u>17.4 A 1</u>	<u>Six Thousand SF (6,000 SF)</u>	<u>Fifteen Hundred (1,500 SF)</u>
Sect. <u>17.4 A 2</u>	<u>Sixty feet (60')</u>	<u>Fifteen feet (15')</u>
Sect. _____	_____	_____
Sect. _____	_____	_____
Sect. _____	_____	_____
Sect. _____	_____	_____

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Application Page 2

5. List any hardships that exists for this property. If necessary, use a separate sheet.

I have a pre-designed floor plan with all other documents that
fits within all of the setback requirements. The lot has already
been platted at 4,500 SF with other homes already built around it. With
the area already pre-developed, it is impossible to make this lot larger which
is why we have house plans that will work within the other requirements.

- A. Findings of Undue Hardship - In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:

1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
3. That the relief sought will not injure the permitted use of adjacent conforming property; and
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

- B. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

- C. The applicant bears the burden of proof in establishing the facts justifying a variance.

I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT THE BOARD OF ADJUSTMENT MEETING

I hereby authorize the undersigned applicant to act as my agent for the representation and/or presentation of the request.

Applicant Name (print or type): TIARIA RICHARDSON

Applicant signature: 

Owner Name (print or type): Sweet Tee Investments LLC

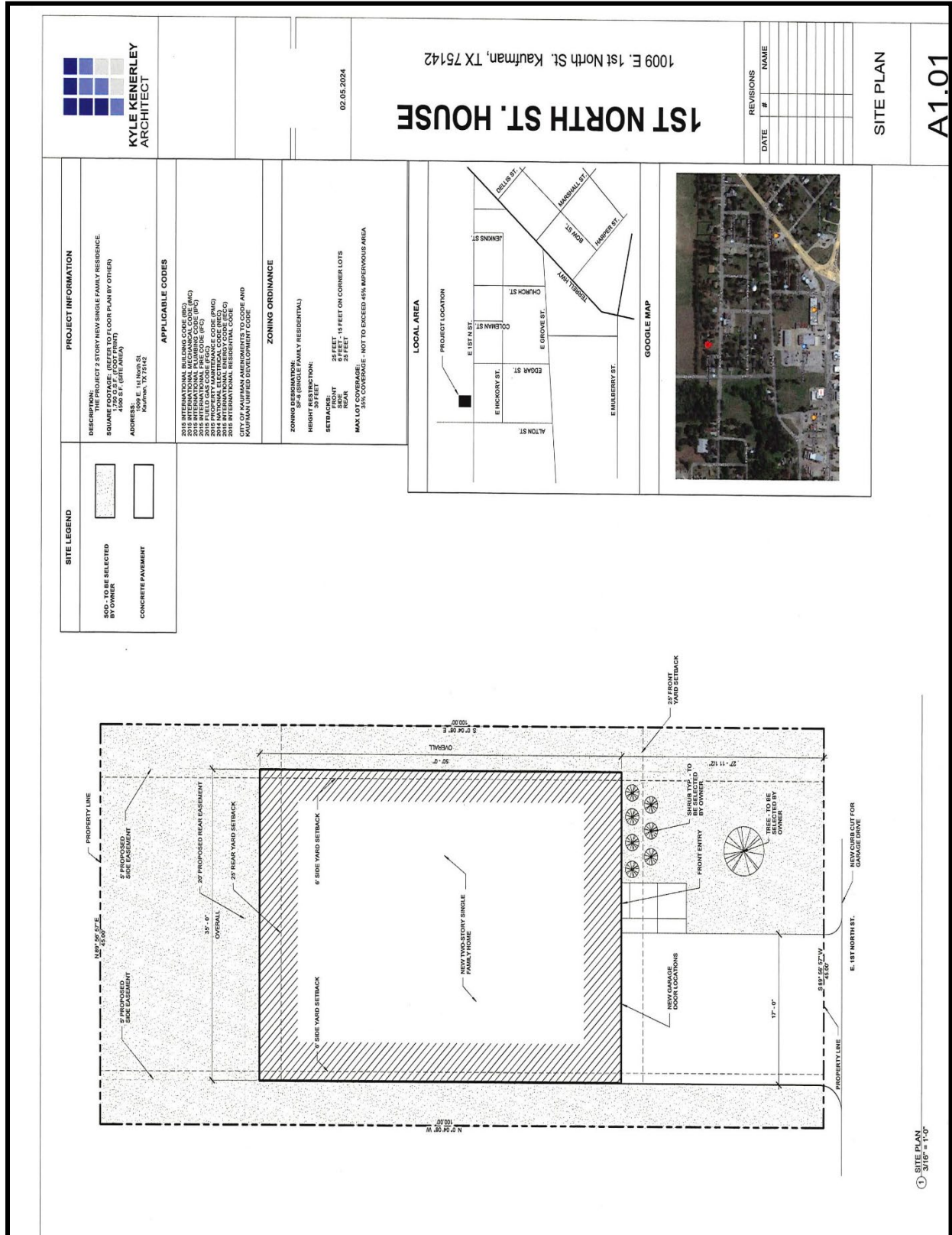
Owner signature: 

Date Received _____ Date Paid _____ Receipt Number _____

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Plot Plan



Property Owner Responses

Date: 2/16/2024
Name: Briana Echols
Address: PO Box 170362
City & State: Dallas TX 75217
Phone #: 214-607-3112

RE Conduct a public hearing and consider a request from Tiaria Richardson, property owner, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.1 regarding lot area and Section 17.4.A.2 regarding lot width. The owner is requesting a variance to allow a house to be built on the lot. The property is zoned Single Family Residential - 6 (SF-6). The subject property is located at in the 1009 East 1st North Street (PID 28669), being part of Block 326 of the Kaufman Revised Addition. (Case No.V-01-24)

☐ I AM IN FAVOR

☒ I OBJECT

COMMENTS:

I object to this Request this address should not be allowed to have a residential dwelling as this poses risk to our neighboring homes and community. Including many other reasons.

Briana Echols

NAME PRINTED

Briana Echols

SIGNATURE

Date: 02-20-2024
Name: Dorothy Nix
Address: 304 Alton St.
City & State: Kaufman, TX
Phone #: 972-962-2501

RE Conduct a public hearing and consider a request from Tiaria Richardson, property owner, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.1 regarding lot area and Section 17.4.A.2 regarding lot width. The owner is requesting a variance to allow a house to be built on the lot. The property is zoned Single Family Residential - 6 (SF-6). The subject property is located at in the 1009 East 1st North Street (PID 28669), being part of Block 326 of the Kaufman Revised Addition. (Case No.V-01-24)

☐ I AM IN FAVOR

☒ I OBJECT

COMMENTS:

I do not approve this zone request. A house should not be put on this property, I object!

Dorothy Nix

NAME PRINTED

Dorothy L. Nix

SIGNATURE



**MINUTES
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, JUNE 20, 2023 – 6:00 PM
CITY HALL
COUNCIL CHAMBERS
209 S. WASHINGTON ST.
KAUFMAN, TEXAS 75142**

PLEDGE OF ALLEGIANCE

INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.

Chairman Elzner called the meeting to order at 6:02 p.m. Tuesday, June 20, 2024. Board Members present were Chairman John Elzner, Vice-Chairman Jimmy Reed, Board Member Kathy Burt, Board Member David Hunt, and Board Member Patrick Thorpe. Director of Development Services Andrew Bogda and Planner Joy Henderson were present. Present in the audience were LaDonna Robinson, Johnny Torres, Noe Mondragon, and Norman Scott.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

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PUBLIC HEARING

1. Conduct a public hearing and consider a request from Noe Mondragon, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.2 Minimum Lot Width and Section 17.4.B.2 Minimum Side Yard Setback to allow a single-family house. The property is zoned Single Family Residential – 6 (SF-6). The subject property is located at 1511 E. 1st North Street (PID 37740), being part of Block 10 of the Still Addition. (Case No. V- 06-23)
 - a. The Public Hearing was opened at 6:07 pm.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for 1511 E. 1st North Street (PID 37740). Details of the case can be found in report V-06-23 dated 06-20-2023.

- c. The Public Hearing was closed at 6:12 p.m.
 - d. Board Discussion - None
 - e. Board Member Hunt made a motion to approve the hardship. The motion was seconded by Board Member Burt. The motion carried by a vote of 5-0.
 - f. Vice-Chairman Reed made a motion to approve the variances from Section 17.4.A.2 Minimum Lot Width and Section 17.4.B.2 Minimum Side Yard Setback. The motion was seconded by Board Member Hunt. The motion carried by a vote of 5-0.
2. Conduct a public hearing and consider a request from Johnny Torres, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.3 Minimum Lot Depth, Section 17.4.B.1 Minimum Front Yard Setback, Section 17.4.B.2 Minimum Side Yard Setback, Section 17.4.B.3 Minimum Rear Yard Setback and Section 17.4.C Maximum Lot Coverage to add a two-car garage and storm shelter to the existing house. The property is zoned Single Family Residential – 6 (SF-6). The subject property is located at 301 E. 9th Street (PID 36688), being part of Block 159 of the Snow Second Addition. (Case No. V-07- 23)
- a. The Public Hearing was opened at 6:24 pm.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for 301 E. 9th Street (PID 36688). Details of the case can be found in report V-07-23 dated 06-20-2023.
 - c. The Public Hearing was closed at 6:25 p.m.
 - d. Board Discussion - None
 - e. Vice-Chairman Reed made motions to approve the hardships for Section 17.4.A.3 Minimum Lot Depth, Section 17.4.B.1 Minimum Front Yard Setback, Section 17.4.B.3 Minimum Rear Yard Setback, and Section 17.4.C Maximum Lot Coverage. The motions for hardships for Minimum Lot Depth, Minimum Rear Yard Setback, and Maximum Lot Coverage were seconded by Board Member Burt. The motion for hardship for Minimum Front Yard Setback was seconded by Board Member Hunt. The motions for all four hardships carried by a vote of 5-0.
 - f. Vice-Chairman Reed made a motion to approve the hardship for Section 17.4.B.2 Minimum Side Yard Setback, which failed for lack of a second.
 - g. Vice-Chairman Reed made a motion to approve the variances from Section 17.4.A.3 Minimum Lot Depth, Section 17.4.B.1 Minimum Front Yard Setback, Section 17.4.B.3 Minimum Rear Yard Setback, and Section 17.4.C Maximum Lot Coverage. The motions for Minimum Lot Depth, Minimum Rear Yard Setback, and Maximum Lot Coverage were seconded by Board Member Hunt. The motion for Minimum Front Yard Setback was seconded by Board Member Burt. The motions

for all four variances carried by a vote of 5-0.

CONSENT AGENDA

3. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the April 25, 2023 Regular Meeting.

Board Member Hunt made a motion to approve the Zoning Board of Adjustment Minutes with corrections from the April 25, 2023 Regular Meeting. The motion was seconded by Board Member Thorpe. The motion carried by a vote of 5-0.

DISCUSSION/ACTION ITEMS

No discussion items at this time.

ADJOURNMENT

Board Member Hunt made a motion to adjourn at 6:32 p.m., seconded by Board Member Burt. The motion carried by a vote of 5-0.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNER I