



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
THURSDAY, JUNE 6, 2024 AT 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 Raul Ruiz, Jr. 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 405 N. Alton St. (Parcel ID 28678), being part of Block 326 and 327 of the Kaufman Revised Addition. (Case V-02-24)

CONSENT AGENDA

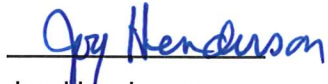
2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the February 27, 2024 Regular Meeting.

DISCUSSION/ACTION ITEMS

ADJOURNMENT

I, JOY HENDERSON, PLANNER I, 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, MAY 24, 2024 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



Joy Henderson
Planner I

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-02-24

Zoning Board of Adjustment Public Hearing:

June 6, 2024

Applicant/Owner:

Raul Ruiz Jr.

Location:

405 N. Alton St.

Part of Block 326 and 327 of the Kaufman Revised Addition
City of Kaufman, Kaufman County, Texas (Property ID 28678)

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 5,000 sq. ft. and is 50' wide and 100' deep. This meets the minimum lot depth for the "SF-6" zoning district, but does not meet the minimum lot area of 6,000 sq. ft. or the lot width of 60'. There is no additional property available to increase the lot width or lot area since the surrounding properties are developed or are not available for purchase.

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 5,000 sq. ft. (50' wide by 100' deep) in which to build a house.

The applicant plans to build a 35-1/2' x 49' one-story house on the property, with an enclosed floor area of 1,778 sq. ft. The house will adhere to the 25' front yard setback, 25' rear yard setback, and the 6' side yard setback on both sides. In addition, the 1,778 sq. ft. footprint of the structure on a 5,000 sq. ft. lot will equate to a 35% lot coverage. The maximum total impervious area is 45%, which includes accessory buildings, driveways, and parking areas.

To provide a comparison, the vast majority of the constructed homes in the Georgetown at Kings Fort Addition (along the Highway 34 Bypass) are on 50'-wide lots, with most of the lot sizes between 5,000 and 6,000 sq. ft.; the house size averages 2,683 sq. ft., with an average value of \$345,265.

REQUESTED VARIANCES:

The requested variance is to Chapter 118, "Zoning" of the Code of Ordinances, City of Kaufman Zoning Ordinance, O-02-07, for the property addressed as 405 N. Alton St. (Property ID 28678).

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

- a. Required - Minimum 6,000 sq. ft. lot area
- b. Requested – 1,000 sq. ft. variance
- c. If approved - it would allow a minimum lot area of 5,000 sq. ft.

2. Section 17.4.A.2 – Minimum lot width

- a. Required - Minimum 60 foot width
- b. Requested – 10 foot variance
- c. If approved - it would allow a minimum lot width of 50 feet

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 or are not available for purchase, and there is no additional land available to increase the lot size or the lot width.
2. The proposed house will meet all of the additional requirements for the SF-6 Zoning District.

Staff therefore offers the following recommendations related to Case #V-02-24:

1. Staff recommends **approval** of the variance request to the **minimum lot area** to allow the property to have a minimum lot area of 5,000 sq. ft.
2. Staff recommends **approval** of the variance request to the **minimum lot width** to allow the property to have a minimum lot width of 50 feet.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 9 property owners within 300' of 405 N. Alton St. The results are as follows:

- Property owners returned letters in opposition of the request: 0
- Property owners returned the letter in agreement of the request: 0
- Property owners who have not responded: 9

Attachments:

Location Map

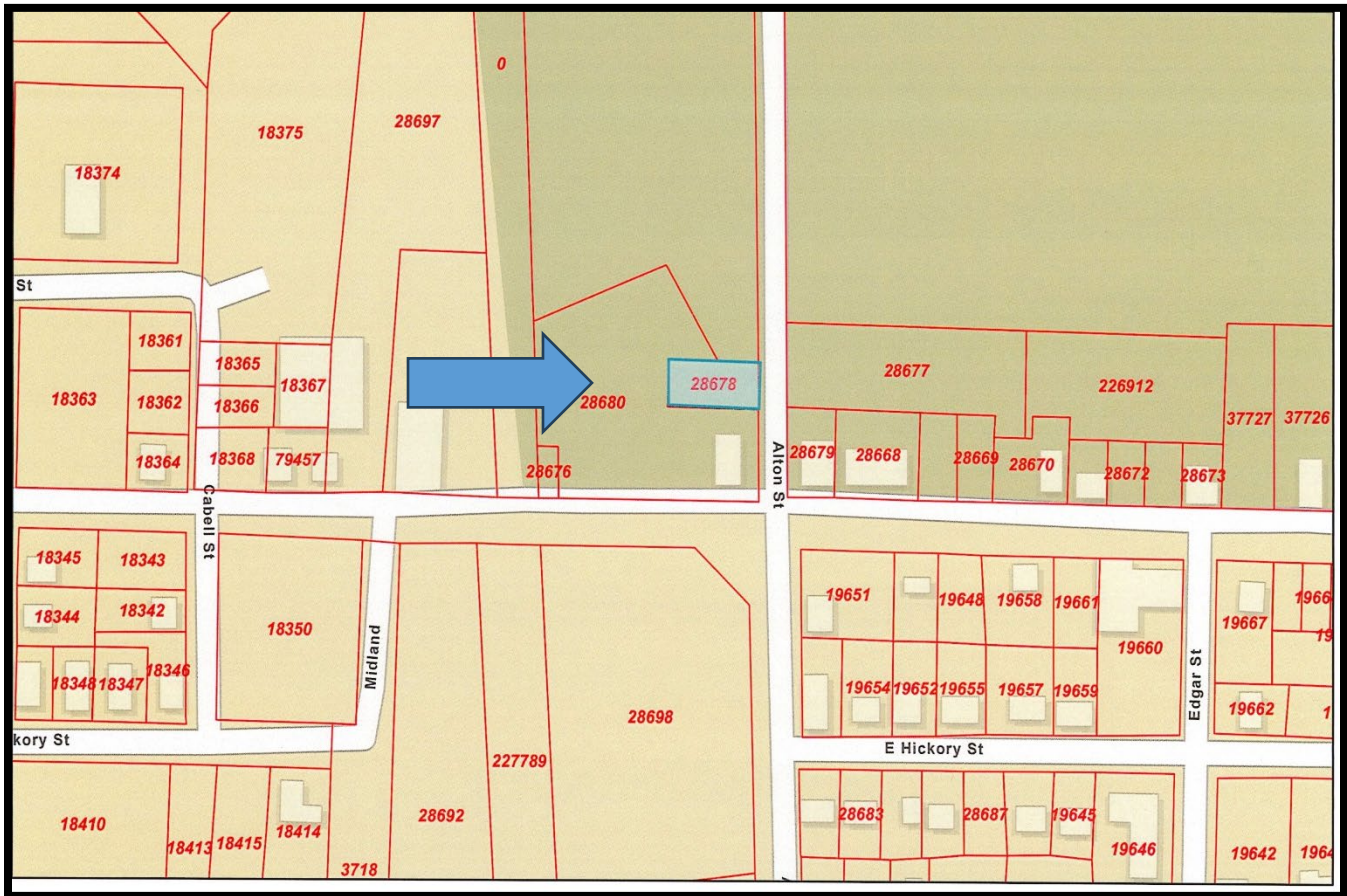
Application

Survey

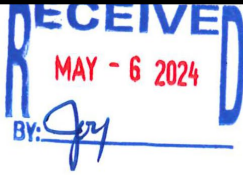
Plot Plan

Property Owner Responses

Location Map



Application Page 1



Case Number: V- 02-24



BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
Street Address: 405 N. Alton St Kaufman TX 75142

Lot, Block, & Subdivision Name: Part of Blocks 326 and 327 of the Revised Plat of Kaufman
2. **Applicant:**
Name: Raul Ruiz Jr

Address: 4303 Hyde Park Dr

City/State: Mesquite TX Zip: 75150

Office #: _____ Cell #: 4693283082 Fax #: _____

Email Address: raul_ruiz94@yahoo.com
3. **Property Owner:**
Name: Raul Ruiz Jr

Address: 4303 Hyde Park Dr

City/State: Mesquite, TX Zip: 75150

Office #: _____ Cell #: 4693283082 Fax #: _____

Email Address: raul_ruiz94@yahoo.com
4. **List the requested variances. If necessary, use a separate sheet.**

Section	Required	Variance Amount Needed
Sect. <u>17.4.A.1</u>	6000 sq/ft Lot	<u>5,000 SQ/Ft</u>
Sect. <u>17.4.A.2</u>	<u>60'</u>	<u>10' for a width of 50'</u>
Sect.		
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 5000 SQ/FT lot in a SF-6 Zoning and I am not able to
acquire additional square footage to meet 6000 sq/ft lot

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.

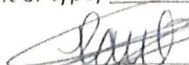
**I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT
AT THE BOARD OF ADJUSTMENT MEETING**

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): Raul Ruiz Jr

Applicant signature: 

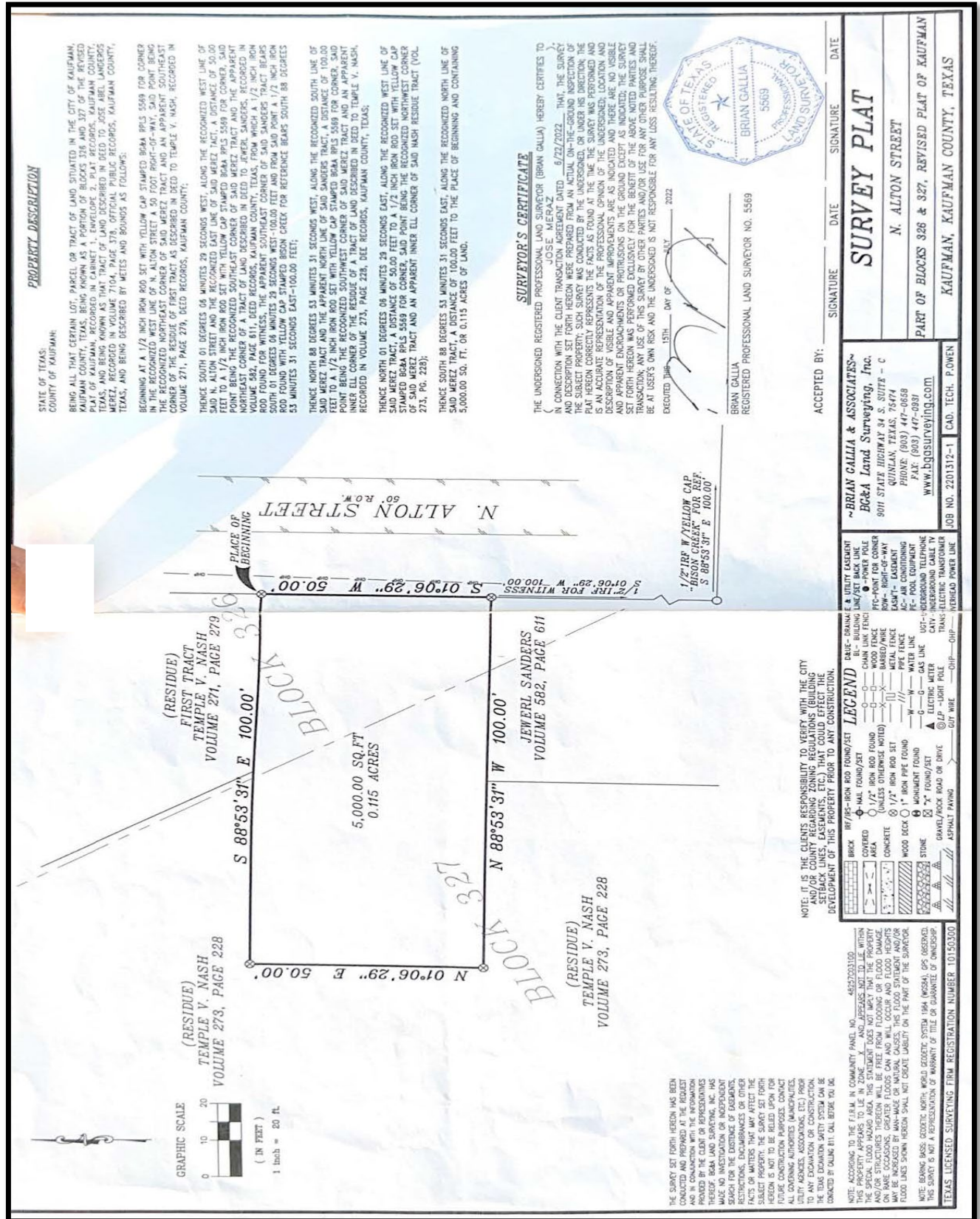
Owner Name (print or type): Raul Ruiz Jr

Owner signature: 

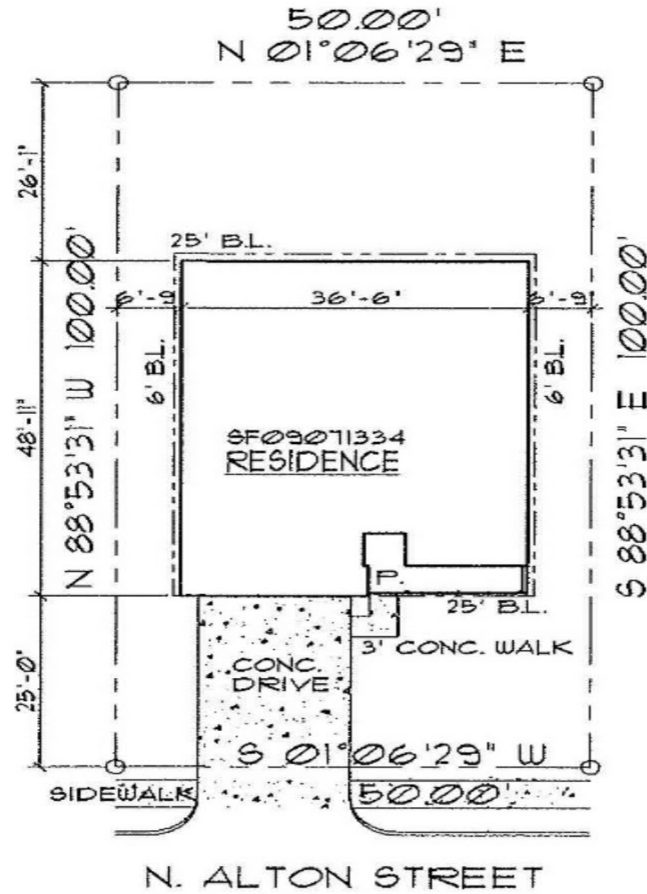
Date Received _____ Date Paid _____ Receipt Number _____

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Plot Plan



LOT: 5,000 S.F.
 MAIN HOUSE S.F.: 1718 S.F. (36% COV'G.)
 CONC. ON LOT: 425 S.F.
 44% IMPERVIOUS COVERAGE

PLOT PLAN SCALE: 1"=20' N. ALTON STREET PORTION OF BLOCKS 326 & 327 REVISED PLAT OF KAUFMAN KAUFMAN COUNTY, TEXAS			
JOB: 10613	REV. #	REV. DATE:	
DATE: 4/19/24			
			THE PLAN FACTORY

IT BE THE FULL RESPONSIBILITY OF THE BUILDER TO VERIFY ALL ASPECTS OF THIS PLAN AND ADJUST IF REQUIRED

Property Owner Responses



MINUTES
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.

Chairman Elzner called the meeting to order at 6:01 p.m. on Tuesday, February 27, 2024. Board Members present were Chairman John Elzner, Vice-Chairman Jimmy Reed, Board Member Kathy Burt, Board Member Clayton Kelly, and Board Member Patrick Thorpe. Director of Development Services Andrew Bogda and Planner Joy Henderson were present. Present in the audience were Tiaria Richardson, Briana Echols, Brittany Echols, and Paula Stewart.

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. The Public Hearing was opened at 6:11 pm.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for 1009 E. 1st North Street (PID 28669). Details of the case can be found in report V-01-24 dated 02-27-2024.

Tiaria Richardson stated she and her family have lived in the area for a long time and would like to build a house that would be close to her family. She has been in negotiations to purchase the property next to their lot, but they have not come to a final agreement. She can't add any more land since the lot is land-locked.

Briana Echols stated she objects to the variances since she was not allowed to build a house on her lot and thought the house would be too close to the other property and could be a fire hazard. She also questioned whether the house would be a homestead or an investment house.

- c. The Public Hearing was closed at 6:23 p.m.
- d. Board Discussion - None
- e. Board Member Kelly 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. Board Member Kelly made a motion to approve the variances from 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 motion was seconded by Board Member Burt. The motion carried by a vote of 5-0.

CONSENT AGENDA

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

Board Member Burt made a motion to approve the Zoning Board of Adjustment Minutes from the June 20, 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 Kelly made a motion to adjourn at 6:36 p.m., seconded by Board Member Burt. The motion carried by a vote of 5-0.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNER