



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
THURSDAY, AUGUST 22, 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

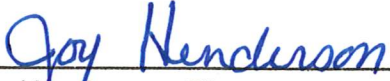
1. Conduct a public hearing and consider a request from Amie Baldwin for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.D.1.a regarding the enclosed parking. The owner is requesting a variance to allow the garage be enclosed, without adding additional enclosed parking spaces. The property is zoned Single Family Residential – 6 (SF-6). The subject property is located at 2004 Melody Street (Parcel ID 25125), being Lot 77 of the Harmony Estate Addition. (Case V-03-24)
 - 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 6, 2024 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, AUGUST 16, 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-03-24

Zoning Board of Adjustment Public Hearing:

August 22, 2024

Applicant/Owner:

Amie Baldwin

Location:

2004 Melody Circle
Lot 77 of the Harmony Estate Addition
City of Kaufman, Kaufman County, Texas (Property ID 25125)

BACKGROUND:

The subject property is located at 2004 Melody Circle in the Harmony Estates Addition. The property is zoned Single-Family Residential-6 ("SF-6") and is currently developed with a single-family house.

On July 8, 2024, the Code Enforcement Officer issued a stop work order for enclosing the garage without a permit. The owner contacted the Development Services office for further directions and submitted the variance application within days of the stop work order.

The Single-Family Residential-6 (SF-6) District requires at least one (1) parking space to be covered or enclosed for all lots that were platted prior to May 13, 2002. The existing house (with attached single-car garage) was built in 1997. When the current owner purchased the house in 2008, it met their needs, but the family's needs have since outgrown the living area, requiring an expansion to the living area.

There are multiple other homes in this subdivision in which the garages have been enclosed to become part of the living area (a Staff survey found at least 12 examples), so this would not stand out as different from the other houses. In 2009, a variance was granted for enclosing the garage at 1803 Melody Circle. However, in 2021, a variance was denied for enclosing the garage at 1300 Melody Circle as that property was a larger corner lot in which there was adequate space to provide enclosed parking while also converting the garage into living space.

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 2004 Melody Circle (Property ID 25125).

1. Section 17.4.D.1.a – Parking Regulations: Single-Family Dwelling Unit

- a. Required – Lots platted prior to May 13, 2002 shall have a minimum of two (2) parking spaces, one (1) of which shall be covered or enclosed, both of which shall be located on the same lot as the main structure and with the curb cut and driveway to match the full width sixteen feet (16') minimum for two (2) vehicles.
- b. Requested – No covered parking or enclosed spaces.

- c. If approved - It would allow the property to not have any covered or enclosed parking spaces, but the property would still be required to have a driveway that is 16' wide to park two (2) vehicles on the property.

UNDUE HARDSHIP FOR VARIANCES:

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

1. The family's needs have outgrown their living space since they bought the property in 2008.
2. There is no additional room for a garage or carport to be built on the property.
3. The property has a sixteen-foot (16') wide driveway in which to park two (2) vehicles side-by-side.
4. There are at least 12 other houses on Melody Circle in which the garage has been enclosed.


Staff therefore offers the following recommendations related to Case #V-03-24:

1. Staff recommends **approval** of the variance request for the removal of the requirement for at least one (1) covered or enclosed parking space, allowing the property owner to enclose the existing garage and make it part of the living area.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out the 1st notification letters to 30 property owners within 200' of 2004 Melody Circle (July 30th Meeting). 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: 1
- Property owners who have not responded: 29

Date:	<u>7/26/2024</u>	RE	Conduct a public hearing and consider a request from Amie Baldwin for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.D.1.a regarding enclosed parking. The owner is requesting a variance to allow the existing one-car garage to be converted into living space. The property is zoned Single Family Residential - 6 (SF-6). The subject property is located at 2004 Melody Circle (Property ID 25125), being Lot 77 of the Harmony Estates Addition. (Case No. V-03-24)
Name:	<u>ERIC STARK</u>	<input checked="" type="checkbox"/> I AM IN FAVOR	<input type="checkbox"/> I OBJECT
Address:	<u>2002 melody circle</u>	COMMENTS:	
City & State:	<u>KAUFMAN TX</u>	_____	
Phone #	<u>214-450-1652</u>	_____	
<u>ERIC STARK</u> NAME PRINTED		 SIGNATURE	

The City of Kaufman mailed out the 2nd notification letters to 30 property owners within 200' of 2004 Melody Circle (August 22nd Meeting). 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: 30

Attachments:

Application Page 1

Case Number: V- 03-24



PID 25125

BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: 2004 Melody Circle Kaufman, TX
 Lot, Block, & Subdivision Name: Lot #77 / Harmony Estates.

2. **Applicant:**
 Name: Amie Baldwin
 Address: 2004 Melody Circle
 City/State: Kaufman TX Zip: 75142
 Office #: _____ Cell #: (972) 533-5545 Fax #: _____
 Email Address: amiebaldwin@hotmail.com

3. **Property Owner:**
 Name: Amie Baldwin
 Address: 2004 Melody Circle
 City/State: Kaufman, TX Zip: _____
 Office #: _____ Cell #: (972) 533-5545 Fax #: _____
 Email Address: amiebaldwin@hotmail.com

4. List the requested variances. If necessary, use a separate sheet.

Section	Required	Variance Amount Needed
Sect. <u>17.4.D</u>	<u>single car garage</u>	<u>no garage on property</u>
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		

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t:\development services\email & forms\new folder\board of adjustment application & guidelines.docx Updated: 3/4/2019

Application Page 2

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

_____ *see other* _____

_____ *page* _____

- 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): Amie Baldwin

Applicant signature: *Amie Baldwin*

Owner Name (print or type): _____

Owner signature: _____

Date Received _____ Date Paid _____ Receipt Number _____

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Hardships

Hardships

- Family has expanded beyond what I had in 2008 when I bought my house. We need more room.
- No room for another garage to be built. We don't have a corner lot. We have neighbors on each side of us.

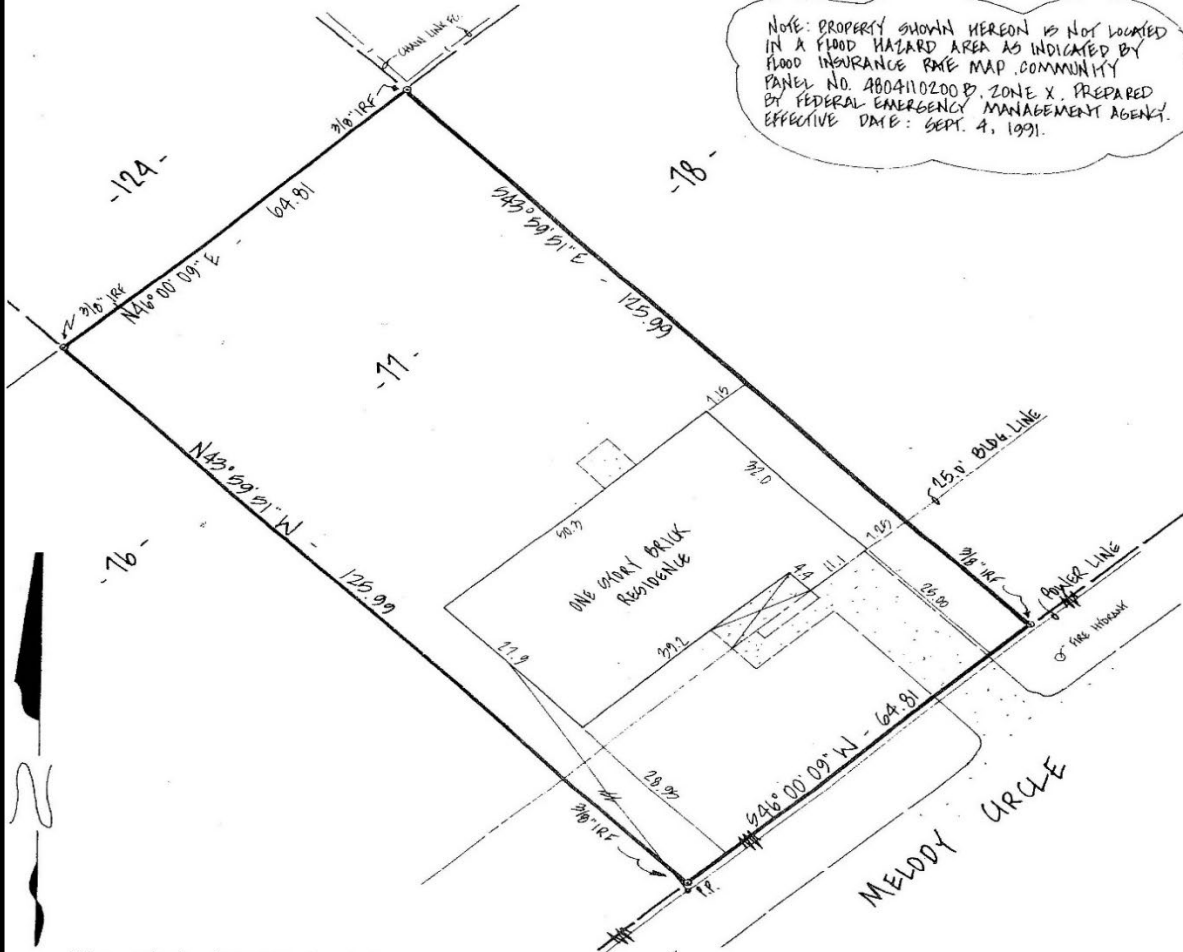
Survey

PLAT OF SURVEY

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED

I, Gary Sjerven, Registered Professional Land Surveyor No. 1693, do hereby certify that the plat hereon was prepared from an actual survey made by me on the ground of property located at 2004 MELODY CIRCLE IN the City of KAUFMAN County, Texas, described as follows: LOT NO. 11 BLOCK NO. OF HARMONY ESTATES IN the City of KAUFMAN County, Texas, according to the plat of same recorded in CABINET NO. 1 PAGE 1092 of the PLAT Records of KAUFMAN County, Texas.

NOTE: PROPERTY SHOWN HEREON IS NOT LOCATED IN A FLOOD HAZARD AREA AS INDICATED BY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 4804110200 B, ZONE X, PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE: SEPT. 4, 1991.



The plat hereon is a true, correct and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown, all improvements set back from the property lines the distances indicated.

Except as shown there are no visible encroachments, conflicts or protrusions apparent on the ground.

Scale: 1" = 20.0'
 Date: 6-6-96
 Book: 276 Pg. 30

Gary Sjerven
 GARY SJERVEN R.P.L.S. NO. 1693

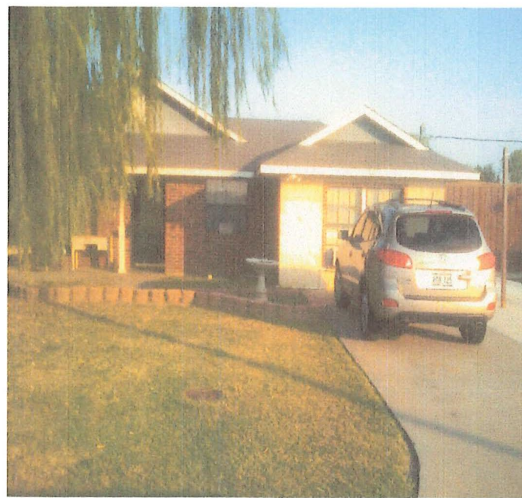


NOTE: PLAT REVISED ON 7-9-97.

Picture of Property



V-03-24
Amie Baldwin
2004 Melody Circle
Similar Houses with Enclosed
Garages in the Neighborhood



V-03-24
Amie Baldwin
2004 Melody Circle

**Similar Houses with Enclosed
Garages in the Neighborhood**



V-03-24

Amie Baldwin

2004 Melody Circle

Similar Houses with Enclosed
Garages in the Neighborhood





MINUTES
ZONING BOARD OF ADJUSTMENT MEETING
THURSDAY, JUNE 6, 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 5:59 p.m. Thursday, June 6, 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. Staff members present were Director of Development Services Andrew Bogda, Building Official Johnny Bray, and Planner Joy Henderson. Present in the audience was Raul Ruiz.

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 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 Street (Parcel ID 28678), being part of Block 326 and 327 of the Kaufman Revised Addition. (Case V-02-24)
 - a. The Public Hearing was opened at 6:02 pm.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for 405 North Alton Street (PID 28678). Details of the case can be found in report V-02-24 dated 06-06-2024.

Mr. Ruiz stated he recently purchased the property and would like to build a house and can't do it without the approved variances.

- c. The Public Hearing was closed at 6:06 p.m.
- d. Board Discussion – None
- e. Board Member Kelly made a motion to approve the hardship. The motion was seconded by Vice-Chairman Reed. The motion carried by a vote of 5-0.
- f. Board Member Thorpe made a motion to approve the variance from Section 17.4.A.1 regarding lot area, with the condition that the fence be removed from the front yard setback. The motion was seconded by Board Member Kelly. The motion carried by a vote of 5-0.
- g. Board Member Thorpe made a motion to approve the variances from Section 17.4.A.2 regarding lot width, with the condition that the fence be removed from the front yard setback. The motion was seconded by Board Member Kelly. 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 February 27, 2024 Regular Meeting.

Board Member Kelly made a motion to approve the Zoning Board of Adjustment Minutes from the February 27, 2024 Regular Meeting. The motion was seconded by Board Member Thorpe. The motion carried by a vote of 5-0.

ANNOUNCEMENTS AND REPORTS

Director of Development Services Andrew Bogda introduced new Building Official Johnny Bray.

ADJOURNMENT

Board Member Kelly made a motion to adjourn at 6:11 p.m., seconded by Board Member Burt. The motion carried by a vote of 5-0.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNER