



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, SEPTEMBER 24, 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.
 1. Conduct a public hearing and consider a request from Jason Raiburn, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 15.4.B.1 Minimum Front Yard to allow a covered porch to encroach into the front yard setback of an existing single family house. The property is zoned Single Family Residential – 10 (SF-10). The subject property is located at 1607 South Houston Street (PID 36739), being part of Block 303 of the Snows Second Addition. (Case No. V-04-24)

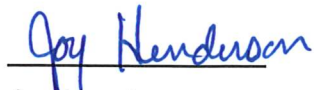
CONSENT AGENDA

2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the August 22, 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, SEPTEMBER 20, 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-04-24

Zoning Board of Adjustment Public Hearing:

September 24, 2024

Applicant/Owner:

Jason Raiburn

Location:

1607 S. Houston St.

Part of Block 303 of the Snows Second Addition
City of Kaufman, Kaufman County, Texas (Parcel ID 36739)

BACKGROUND:

The subject property comprises of part of Block 303 of the Snows Second Addition and is located on the east side of S. Houston St. across from Borders Cir. and approximately 240 feet north of 11th St. The property is approximately 14,807 sq. ft. and is zoned Single Family Residential-10 (“SF-10”). The property includes a 976 sq. ft. one-story house. The property shares a gravel driveway with 1605 S. Houston St.

In the SF-10 zoning district, the front yard setback requirement is 35’ and the house is set back 36’. The property owner is requesting a 7’ variance from the front yard setback requirement in order to build an 8’ x 40’-2” covered porch on the front of the house. This would provide for only a 28’ setback from the right-of-way for S. Houston St.

The Kaufman Thoroughfare Plan classified S. Houston St. as a Minor Collector (Type “D”) with sixty feet (60’) of right-of-way. The 60’ of right-of-way exists, so no additional right-of-way will be required on this property in the future.

On April 11, 2024, the applicant applied for a permit to remodel the existing house and to add on an additional master bedroom and bathroom onto the existing house. The permit has been approved and some of the inspections have been completed.

On August 28, 2024, Mr. Raiburn applied for a variance request, citing a hardship that without a front porch, this property would not adhere to the characteristics of the surrounding Houston Street neighborhood.

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 1607 S. Houston St. (Parcel ID 36739):

1. Section 15.4.B.1 – Minimum front yard setback – thirty-five feet (35’)

The request is for a 7-foot variance to the minimum front yard setback for the front porch.

If approved, it would allow the covered porch to have a 28 foot front yard setback as measured from the property line on Houston Street.

UNDUE HARDSHIP FOR VARIANCES AND STAFF RECOMMENDATION:

The following circumstances exist for the property at 1607 S. Houston St.:

The applicant provided the following: “The front yard setback zoning ordinance creates an undue hardship on the property due to the reconstruction of Houston Street. That project pushed the front yard setback to the current face of the house. Without a front porch, this property would not adhere to the characteristics of the surrounding Houston St. neighborhood.”

Staff found that no unique hardship exists to allow the requested variance. However, Staff notes that the front of the house does not encroach the 35’ setback and many of the other houses along S. Houston St. actually encroach the setback by an even greater degree. It should be further noted that a 9’ variance to allow a front porch on a house that already encroached the setback was granted at 1605 S. Houston St. in 2023.

Staff is generally supportive of front porches as they add value and character to the residence and to the neighborhood and provide a meaningful living space buffer between the house and the street that benefits the residents and the neighborhood alike. A prime example of this is the Halloween on Houston event wherein the porch will provide an area for residents to gather and distribute candy to neighborhood children, display decorations, etc. Staff supports reasonable encroachments for front porches that don’t encroach the setback by more than 10’ and this is a provision Staff is considering adding to the Zoning Ordinance in the future. In addition, the full right-of-way for S. Houston St. exists and no additional dedication will be required.

Staff therefore offers the following recommendation related to Case #V-04-24:

1. Staff recommends ***approval*** of the variance request to the **minimum front yard setback** to allow the covered porch to have a 28 foot front yard setback as measured from the front property line on S. Houston St., with the condition that the covered porch will not be enclosed.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 17 property owners within 200’ of 1607 S. Houston 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: 3
- Property owners returned letters that could not be forwarded: 0
- Property owners who have not responded: 14

Attachments:

Location Map

Application

Hardship Email

Survey

Floor Plan

Residential Setback Details

Property Owner Responses

Location Map



Application Page 1

Case Number: V- _____



BOARD OF ADJUSTMENT APPLICATION

1. Site Location:

Street Address: 1607 S. HOUSTON STREET KAUFMAN TX 75142

Lot, Block, & Subdivision Name: _____

2. Applicant:

Name: JASON RAIBURN

Address: 11847 CR 4079

City/State: SOBRY TEXAS Zip: 75158

Office #: _____ Cell #: 469-614-6757 Fax #: _____

Email Address: JASONRAIBURN@gmail.com

3. Property Owner:

Name: THOMAS BORDERS

Address: 1607 S. HOUSTON STREET

City/State: KAUFMAN TEXAS Zip: 75142

Office #: _____ Cell #: 214-500-5712 Fax #: _____

Email Address: TWBORDERSIV@gmail.com

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

Section	Required	Variance Amount Needed
Sect. <u>15.4.b.1</u>	<u>35'</u>	<u>7' for a 28' setback</u>
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		

209 SOUTH WASHINGTON • PO Box 1168 • KAUFMAN, TEXAS 75142 • (972) 932-2216 • FAX (972) 932-6288

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

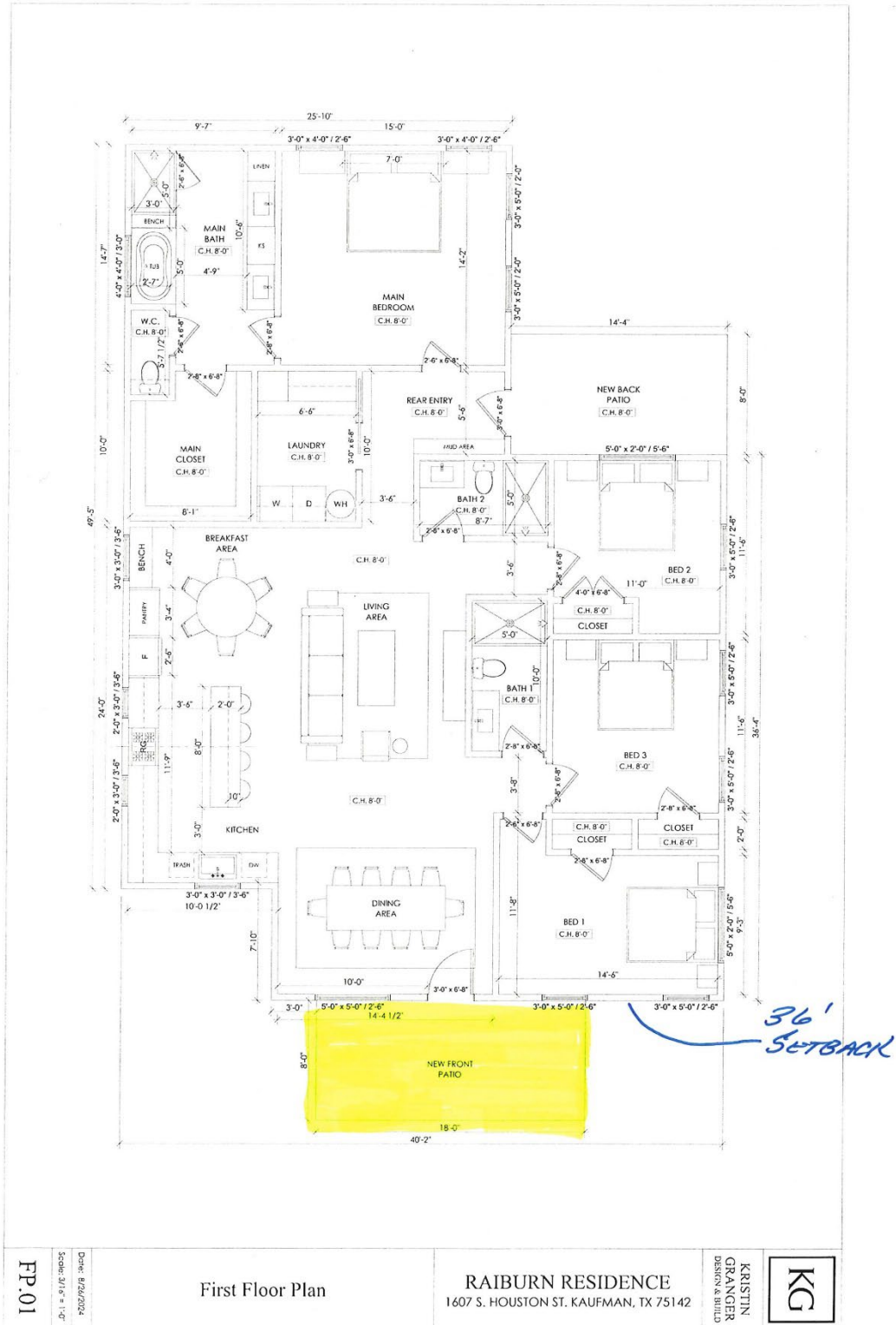
Hardship Email

Joy Henderson

From: Jason Raiburn <jasonraiburn@gmail.com>
Sent: Thursday, August 29, 2024 8:05 AM
To: Joy Henderson
Subject: Hardship

The front yard setback zoning ordinance creates an undue hardship on the property due to the reconstruction of Houston St. That project pushed the front yard setback to the current face of the house. Without a front porch, this property would not adhere to the characteristics of the surrounding Houston St. neighborhood.

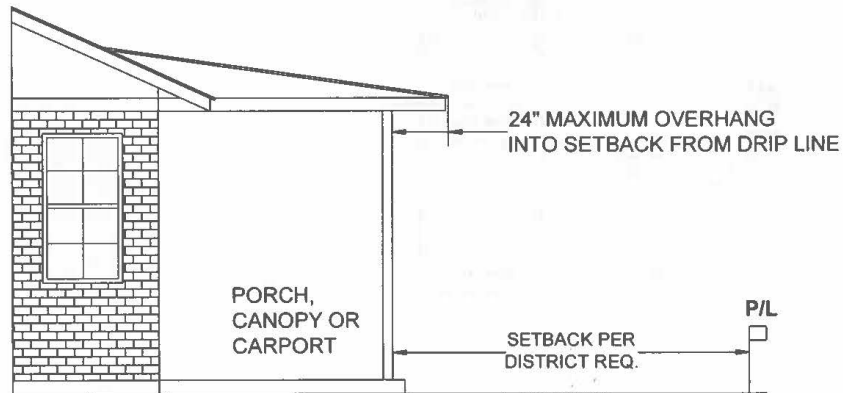
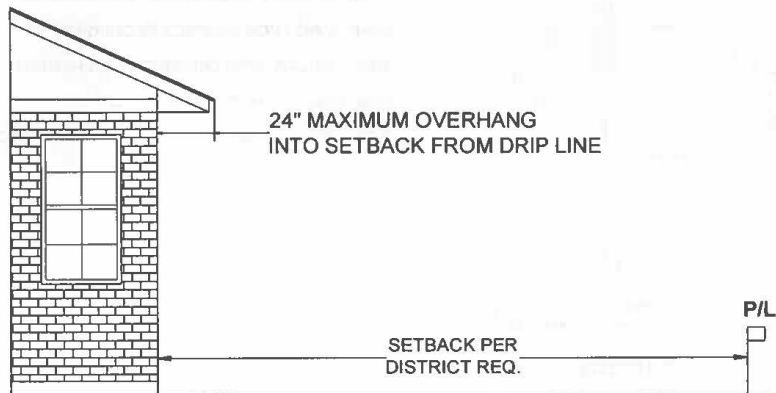
Floor Plan



Residential Setback Details

FIGURE 12.2
RESIDENTIAL
SETBACK DETAILS

Setbacks shall be measured from the vertical wall, facade or support column closest to the property line. The maximum allowable overhang into the setback zone is two feet (2') measured from the drip line of any canopy, porch, carport, cover, roof, eave or other architectural feature to the vertical wall, façade or support column.



Property Owner Responses

Date: _____
 Name: Borders
 Address: Borders Circle
 City & State: Kaufman TX
 Phone #: 214-225-0076

RE Conduct a public hearing and consider a request from Jason Raiburn, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 15.4.B.1 Minimum Front Yard to allow a covered porch to encroach into the front yard setback of an existing single family house. The property is zoned Single Family Residential - 10 (SF-10). The subject property is located at 1807 South Houston Street (PID 36739), being part of Block 303 of the Snows Second Addition. (Case No. V-04-24)

I AM IN FAVOR I OBJECT

COMMENTS:

Tres Borders
NAME PRINTED
Tres B
SIGNATURE

Date: 09/16/24
 Name: Thomas Borders, IV
 Address: 1607 S. Houston St.
 City & State: Kaufman, TX
 Phone #: 214-500-5112

RE Conduct a public hearing and consider a request from Jason Raiburn, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 15.4.B.1 Minimum Front Yard to allow a covered porch to encroach into the front yard setback of an existing single family house. The property is zoned Single Family Residential - 10 (SF-10). The subject property is located at 1607 South Houston Street (PID 36739), being part of Block 303 of the Snows Second Addition. (Case No. V-04-24)

I AM IN FAVOR I OBJECT

COMMENTS:

Thomas Borders, IV
NAME PRINTED
Thomas Borders, IV
SIGNATURE

Millie Morgan at
 1506 S. Houston St.
 is in favor of
 variance request for
 1607 S. Houston St.
 (called & left message)



MINUTES
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.

Vice-Chairman Reed called the meeting to order at 5:57 p.m. on Thursday, August 22, 2024. Board Members present were Vice-Chairman Jimmy Reed, Board Member Kathy Burt, Board Member Clayton Kelley, and Board Member Patrick Thorpe. Staff members present were Director of Development Services Andrew Bogda and Permit Technician Gladis Saldana. Present in the audience were Glen Baldwin, Beverly Baldwin and Amie Baldwin.

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 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 Circle (Parcel ID 25125), being Lot 77 of the Harmony Estate Addition. (Case V-03-24)

- a. Open Public Hearing

The Public Hearing opened at 5:59 pm.

Director of Development Services Andrew Bogda presented a report on the variance requests for 2004 Melody Circle (PID 25125). Details of the case can be found in report V-03-24 dated 08-22-2024.

- b. Close Public Hearing

The Public Hearing closed at 6:04 p.m.

- c. Board Discussion
- d. Board Member Thorpe made a motion to approve the hardship. The motion was seconded by Board Member Burt. The motion carried by a vote of 4-0.
- e. Board Member Thorpe made a motion to approve the variance request. The motion was seconded by Board Member Burt. The motion carried by a vote of 4-0.

CONSENT AGENDA

- 2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the June 6, 2024 Regular Meeting.

Board Member Kelley made a motion to approve the Zoning Board of Adjustment Minutes from the June 6, 2024 Regular Meeting. The motion was seconded by Board Member Burt. The motion carried by a vote of 4-0.

ADJOURNMENT

Board Member Kelley made a motion to adjourn at 6:11 p.m., seconded by Board Member Thorpe. The motion carried by a vote of 4-0.

JIMMY REED
VICE-CHAIRMAN

JOY HENDERSON
PLANNER