



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, OCTOBER 29, 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

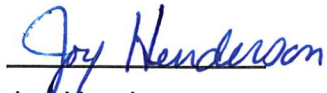
1. Conduct a public hearing and consider a request from Jihad Abdo, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.3 Minimum Lot Depth and Section 17.4.B.3 Minimum Rear Yard, to allow a single-family house. The property is zoned Multi-Family Residential-2 (MF-2) which allows single-family residential uses, following the Single Family Residential – 6 (SF-6) zoning requirements. The subject property is located at 401 South Clay Street (Property ID 73449), being part of Block 5 and 6 of the JG Moore Addition. (Case No. V-05-24)
2. Conduct a public hearing and consider a request from Enrique Martinez, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.2 Minimum Lot Width, to allow a single-family house. The property is zoned Single-Family Residential – 6 (SF-6). The subject property is located at 1307 E. 1st North Street (Property ID 37731), being part of Block 3 of the Still Addition. (Case No. V-06-24)

CONSENT AGENDA

3. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the September 24, 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, OCTOBER 25, 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-05-24

Zoning Board of Adjustment Public Hearing:

October 29, 2024

Applicant/Owner:

Jihad Abdo

Location:

401 S. Clay Street

Part of Block 5 and 6 of the JG Moore Addition
City of Kaufman, Kaufman County, Texas (Property ID 73449)

BACKGROUND:

The property is located in the JG Moore Addition and is zoned Multi-Family Residential-2 (MF-2) which allows single-family residential uses, following the Single Family Residential – 6 (SF-6) zoning requirements. The property is currently a non-conforming undeveloped lot. The existing lot contains 6,304.75 square feet and is 93.91 feet wide and 67.53 feet deep. This meets the minimum lot area and lot width for the “SF-6” zoning requirements, but does not meet the minimum lot depth of 100 feet. There is not additional property available to increase the lot depth since the surrounding lots are currently developed with single-family and multi-family residences or otherwise not available for purchase.

The variance is necessary because the non-conforming lot does not meet the minimum lot depth. 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 6,304.75 square feet (93.91 feet wide and 67.53 feet deep) in which to build a house.

The applicant plans to build a one-story house on the property, with an enclosed floor area of 1,200 sq. ft. The house will adhere to the 25’ front yard setback and 6’ side yard setback on each side.

To give you an idea of what a house would look like on a small lot, you can look at the 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 square feet and the house size averages 2,683 square feet with an average value of \$345,265.

REQUESTED VARIANCES:

The requested variances are to Chapter 118, Zoning” of the Code of Ordinances, City of Kaufman Zoning Ordinance, O-02-07 for property addressed as 401 S. Clay Street (Property ID 73449).

1. Section 17.4.A.3 – Minimum lot depth

- a. Required - Minimum 100 foot lot depth
- b. Requested – 33 foot variance
- c. If approved - it would allow a minimum lot depth of 67 feet

2. Section 17.4.B.3 – Minimum rear yard

- a. Required - Minimum 25 foot rear yard setback
- b. Requested – 5 foot variance
- c. If approved - it would allow a minimum rear yard setback of 20 feet

UNDUE HARDSHIP FOR VARIANCES:

Staff found undue hardships exist 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 and multi-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 depth.
2. The proposed house will meet the minimum front yard and side yard setback requirements, while the lot meets the minimum lot width and minimum lot area requirements.
3. The proposed rear yard setback (20') actually exceeds the minimum rear yard setback in our residential Planned Developments (which range from 10' – 15').

Staff therefore offers the following recommendations related to Case #V-05-24:

1. Staff recommends **approval** of the variance request to the **minimum lot depth** to allow the property to have a minimum lot depth of 67 feet.
2. Staff recommends **approval** of the variance request to the **minimum rear yard** to allow the property to have a minimum rear yard setback of 20 feet.

PROPERTY OWNER RESPONSES:

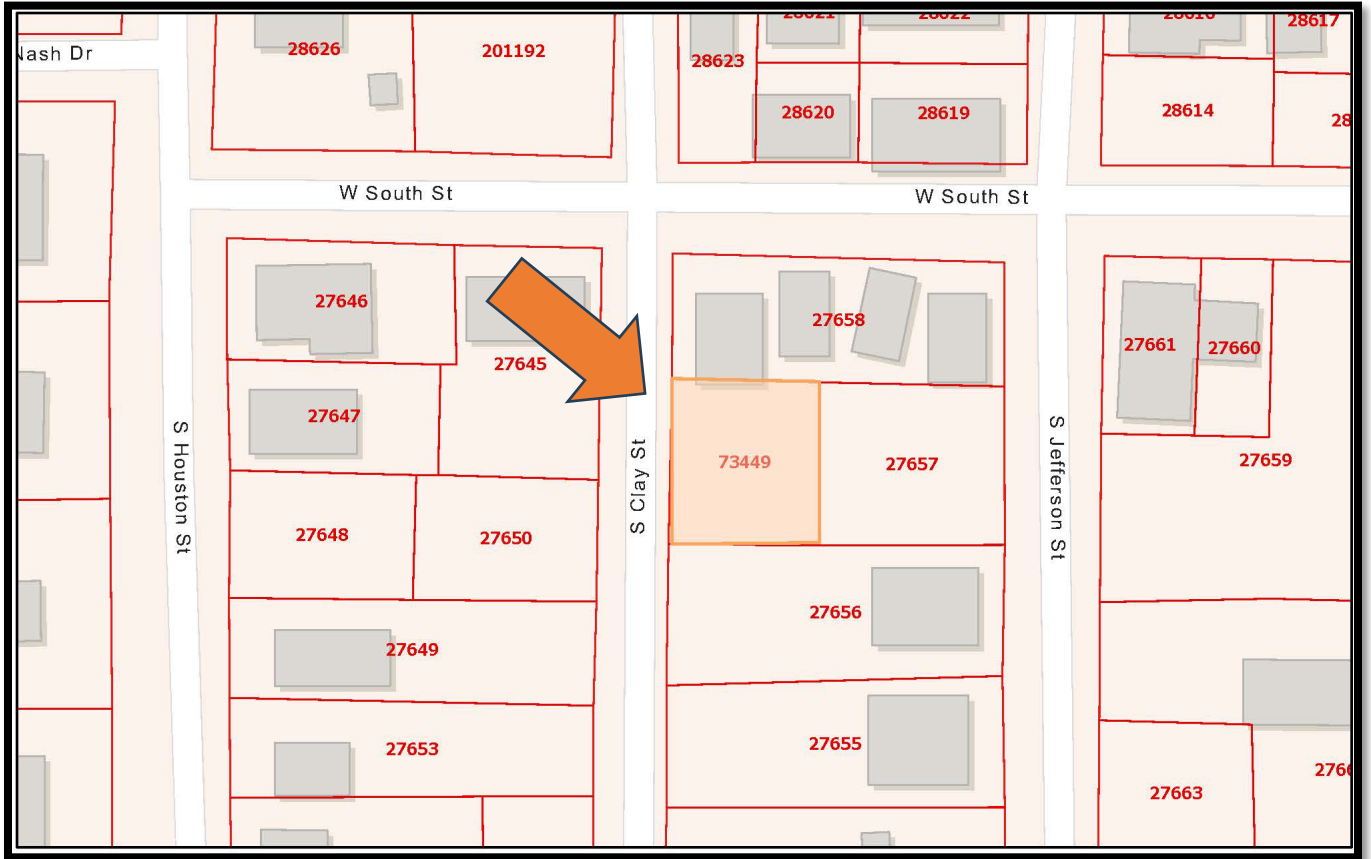
The City of Kaufman mailed out notification letters to 23 property owners within 200' of 401 S. Clay Street. The results are as follows:

- 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: 22

Attachments:

Location Map
Application
Survey
Site Plan
Property Owner Responses

Location Map



Application Page 1

Case Number: V- 05-24



BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: 401 S. Clay
 Lot, Block, & Subdivision Name: PART OF BLOCK 5+6 OF J.G. MOORE ADD. (SEE ATTACHED LEGAL DESCRIPTION)

2. **Applicant:**
 Name: JIHAD ABDO
 Address: P.O. BOX 334
 City/State: TERRELL, TX. Zip: 75160
 Office #: " Cell #: 214-578-9598 Fax #: _____
 Email Address: JTABDO@GMAIL.COM

3. **Property Owner:**
 Name: SANDO HOMES LLC.
 Address: 1502 W. MOORE AVE.
 City/State: TERRELL, TX. Zip: 75160
 Office #: " Cell #: 214-578-9598 Fax #: _____
 Email Address: JTABDO@GMAIL.COM

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

Section	Required	Variance Amount Needed
Sect. <u>17.4.A.3</u>	<u>100'</u>	<u>47.53' for 34'</u> <u>5' For 20'</u>
Sect. <u>17.4.B.3</u>	<u>25'</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.

Limited amount of property to be developed.

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): JIHAD ABDO

Applicant signature: [Handwritten Signature]

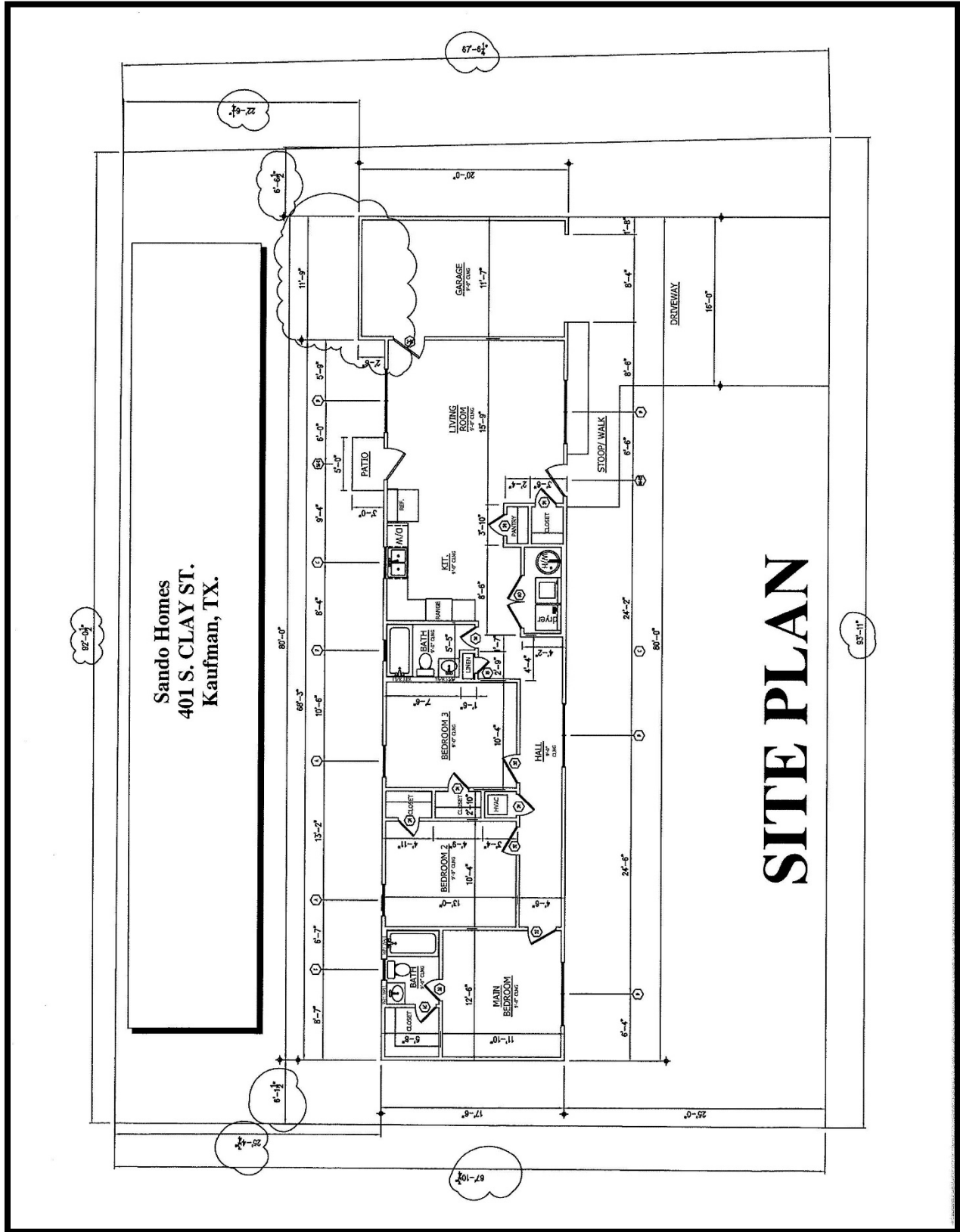
Owner Name (print or type): SAME

Owner signature: _____


Date Received _____ Date Paid _____ Receipt Number _____

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Site Plan



Property Owner Responses

Date:	<u>10.15.24</u>	RE	Conduct a public hearing and consider a request from Jihad Abdo, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.3 Minimum Lot Depth and Section 17.4.B.3 Minimum Rear Yard, to allow a single-family house. The property is zoned Multi-Family Residential-2 (MF-2) which allows single-family residential uses, following the Single Family Residential - 6 (SF-6) zoning requirements. The subject property is located at 401 South Clay Street (Property ID 73449), being part of Block 5 and 6 of the JG Moore Addition. (Case No. V-05-24)
Name:	<u>Alex Penn</u>	<input checked="" type="checkbox"/> I AM IN FAVOR	<input type="checkbox"/> I OBJECT
Address:	<u>400 W SOUTH ST</u>		
City & State:	<u>Kaufman TX 75142</u>		
Phone #	_____		
COMMENTS:	<u>I don't care if its a single family home being built.</u>		
	<u>Alex Penn</u>		
	NAME PRINTED	SIGNATURE	



Public Hearing Item #2
Case V-06-24

Zoning Board of Adjustment Public Hearing:

October 29, 2024

Applicant/Owner:

Enrique Martinez

Location:

1307 E. 1st North Street
Part of Block 3 of the Still Addition
City of Kaufman, Kaufman County, Texas (Property ID 37731)

BACKGROUND:

The property is located in the Still Addition and is zoned Single-Family Residential-6 (“SF-6”). The property is currently a non-conforming undeveloped lot. The existing lot contains 10,000 square feet and is 50 feet wide and 200 feet deep. This meets the minimum lot depth for the “SF-6” zoning district, but does not meet the minimum lot width of 60 feet. There is no additional property available to increase the lot width since the surrounding lots are currently developed and occupied with single-family residences.

The variance is necessary because the non-conforming lot does not meet 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 10,000 square feet (50 feet wide by 200 feet deep) in which to build a house.

The applicant plans to build a one-story house on the property, with an enclosed floor area of 2,028 sq. ft. The house will adhere to the 25’ front yard setback, the 25’ rear yard setback, and 6’ side yard setbacks on each side.

To give you an idea of what a house would look like on a 50-foot-wide 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 50 feet in width and the house size averages 2,683 square feet 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 property addressed as 1307 E. 1st North Street (Property ID 37731).

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

- a. Required - Minimum 60 foot lot 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 undue hardships exist for the requested variance 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, and there is no additional land available to increase the lot width.
2. The proposed house will meet the minimum front yard, side yard, and rear yard setback requirements and the lot well exceeds the minimum lot depth and minimum lot area requirements.

Staff therefore offers the following recommendations related to Case #V-06-24:

1. 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 13 property owners within 200' of 1307 E. 1st North Street. 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: 13

Attachments:

Location Map

Application

Survey

Site Plan

Property Owner Responses

Location Map



Case Number: V- 06-24



BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: 1307 E. 1st North St.
 Lot, Block, & Subdivision Name: Block 3

2. **Applicant:**
 Name: Enrique Martinez
 Address: 1072 Blue Ridge Dr.
 City/State: Forney, Tx Zip: 75126
 Office #: _____ Cell #: 214-675-0665 Fax #: _____
 Email Address: enrique8842@sncglobal.net

3. **Property Owner:**
 Name: Enrique Martinez
 Address: 1072 Blue Ridge Dr.
 City/State: Forney, Texas Zip: 75126
 Office #: _____ Cell #: 214-675-0665 Fax #: _____
 Email Address: enrique8842@sncglobal.net

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

Section	Required	Variance Amount Needed
Sect. <u>17.4.A.2</u>	<u>60'</u>	<u>10' for 50' width</u>
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		

Application Page 2

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

Property is not big enough (wide) to construct a home.

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): Enrique Martinez

Applicant signature: Enrique Martinez

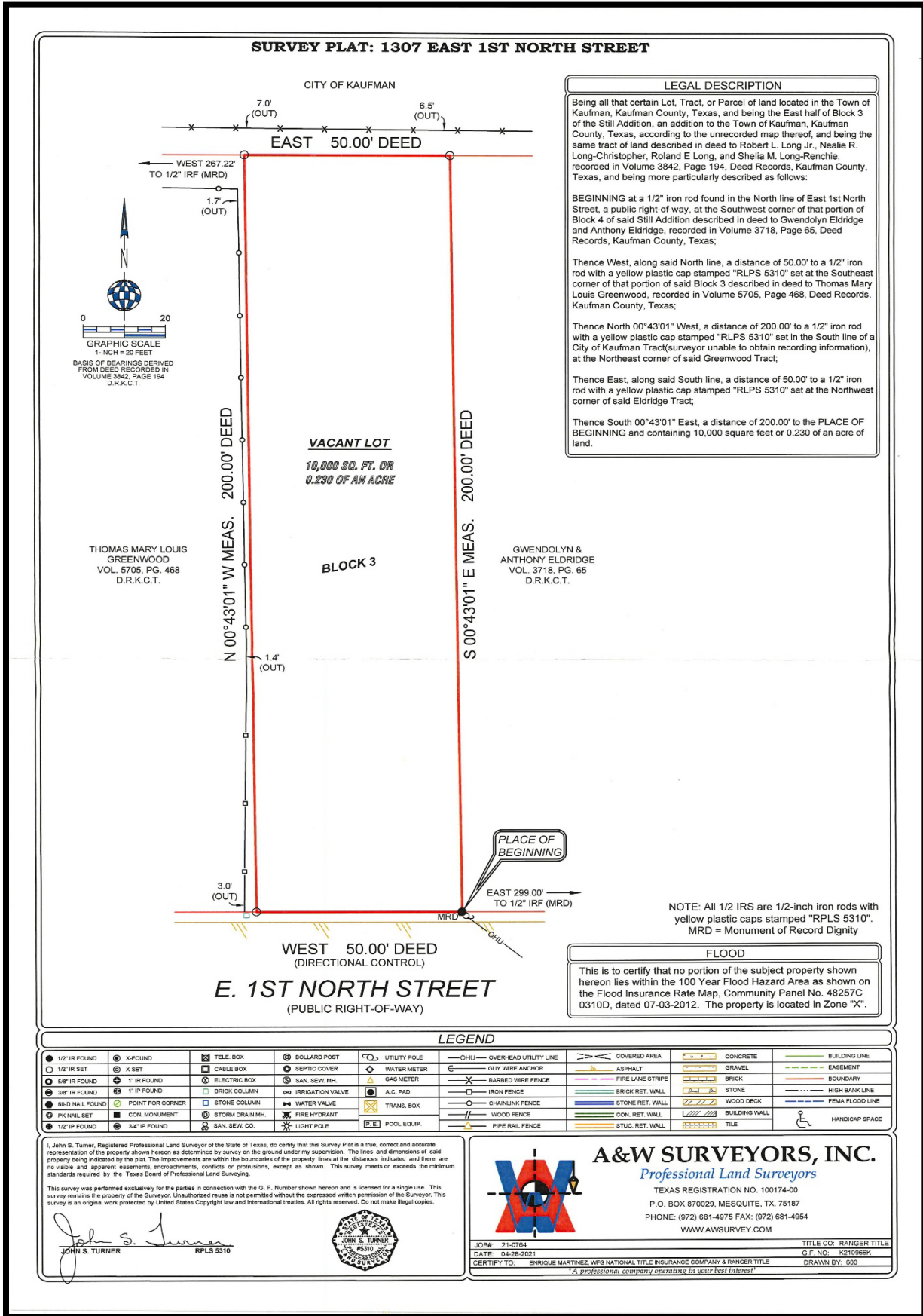
Owner Name (print or type): Enrique Martinez

Owner signature: Enrique Martinez

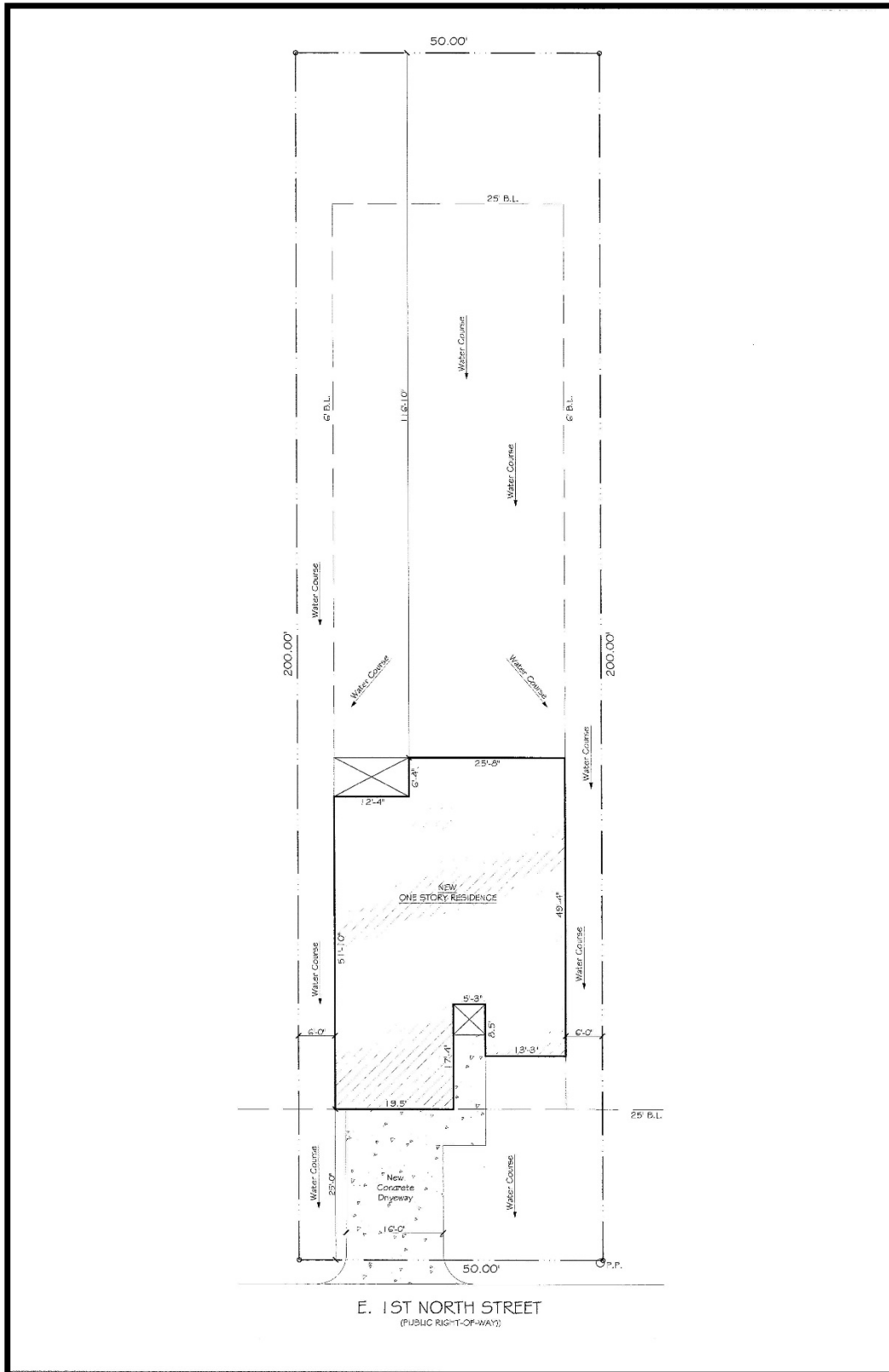
Date Received Date Paid Receipt Number

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Survey



Site Plan



Property Owner Responses

None received.



MINUTES
ZONING BOARD OF ADJUSTMENT MEETING
THURSDAY, SEPTEMBER 24, 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. Thursday, September 24, 2024. Board Members present were Chairman John Elzner, Vice-Chairman Jimmy Reed, Board Member Kathy Burt, and Board Member Patrick Thorpe. Staff members present were Director of Development Services Andrew Bogda and Planner Joy Henderson. Present in the audience were Jason Raiburn and Tom Dorsey.

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 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 (Property ID 36739), being part of Block 303 of the Snows Second Addition. (Case No. V-04-24)
 - a. The Public Hearing was opened at 6:06 pm.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for 1607 South Houston Street (Property ID 36739). Details

of the case can be found in report V-04-24 dated 09-24-2024.

Mr. Tom Dorsey of 1701 S. Houston Street spoke in favor of the request and noted that his house and several other houses and porches along Houston Street already encroach the front yard setback.

- c. The Public Hearing was closed at 6:08 p.m.
- d. Board Discussion – None
- e. Vice-Chairman Reed made a motion to approve the hardship. The motion was seconded by Board Member Thorpe. The motion carried by a vote of 4-0.
- f. Board Member Thorpe made a motion to approve the variances from 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, with the condition that it can't be enclosed. 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 August 22, 2024 Regular Meeting.

Board Member Burt made a motion to approve the Zoning Board of Adjustment Minutes from the August 22, 2024 Regular Meeting. The motion was seconded by Board Member Thorpe. The motion carried by a vote of 4-0.

ADJOURNMENT

The Board of Adjustment adjourned at 6:09 p.m.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNER