



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, NOVEMBER 26, 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 John Dunwoody, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.3 Minimum Lot Depth. The property is zoned Single-Family Residential – 6 (SF-6). The subject property is located at 2005 Rand Road (Property ID 2254), being part of the Thomas Beedy Survey, Abstract 21, City of Kaufman, Kaufman County, Texas. (Case No. V-07-24)

CONSENT AGENDA

2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the October 29, 2024 Regular Meeting.

ADJOURNMENT

I, ANDREW BOGDA, DIRECTOR OF DEVELOPMENT SERVICES, 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, NOVEMBER 22, 2024 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



Andrew Bogda
Director of Development Services

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-07-24

Zoning Board of Adjustment Public Hearing:

November 26, 2024

Applicant/Owner:

John Dunwoody

Location:

2005 Rand Road

Part of Thomas Beedy Survey, Abstract No. 21
City of Kaufman, Kaufman County, Texas (Property ID 2254)

BACKGROUND:

The subject property is located in part of the Thomas Beedy Survey, Abstract No. 21, and is zoned Single-Family Residential-6 (“SF-6”). The property is currently a non-conforming developed lot with an existing house on the east side of the property. The existing lot contains 12,125 square feet and is 126 feet wide and 96.22 feet deep. This meets the minimum lot width for the “SF-6” zoning district, but does not meet the minimum lot depth of 100 feet. There is no additional property available to increase the lot depth since the surrounding lots are currently developed and occupied with single-family residences.

The applicant plans to subdivide the property into two separate lots, so they can develop the west side of the property as a corner lot with a residential house. The proposed house will adhere to the 25’ front yard setback, the 25’ rear yard setback, 6’ side yard setback on the inside, and 15’ side yard setback on the outside of the lot closest to Melody Circle. The lot that will include the existing house is not asking for any additional variances.

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.

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 2005 Rand Road (Property ID 2254).

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

- a. Required - Minimum 100 foot lot depth
- b. Requested – 4 foot variance
- c. If approved - it would allow a minimum lot depth of 96 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 lots exceed the minimum lot width and minimum lot area requirements.

Staff therefore offers the following recommendations related to Case #V-07-24:

1. Staff recommends **approval** of the variance request to the **minimum lot depth** to allow the property to have a minimum lot depth of 96.22 feet.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 16 property owners within 200' of 2005 Rand Road. 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: 15

Attachments:

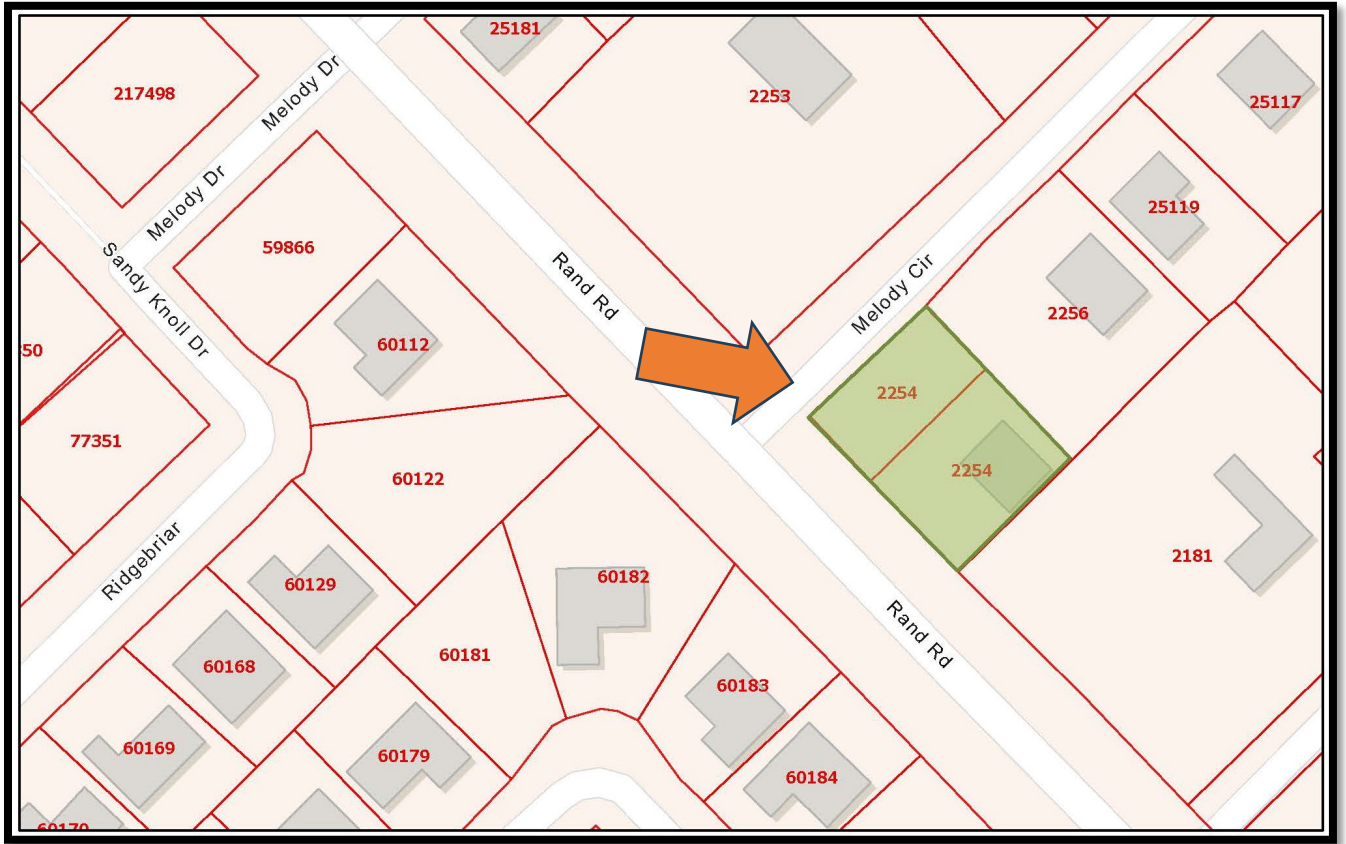
Location Map

Application

Survey

Property Owner Responses

Location Map



Case Number: V- _____



BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: 2005 Rand Road Lot 2

Lot, Block, & Subdivision Name: _____

2. **Applicant:**
 Name: John Dunwoody

Address: 117 N. Dallas St

City/State: Ennis, Tx Zip: 75119

Office #: N/A Cell #: 817.501.6878 Fax #: _____

Email Address: DunwoodyRealPro@gmail.com

3. **Property Owner:**
 Name: Dunwoody Properties, LLC - John Dunwoody

Address: 117 N. Dallas St

City/State: Ennis, Tx Zip: 75119

Office #: N/A Cell #: 817.501.6878 Fax #: _____

Email Address: DunwoodyREALPro@gmail.com

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

Section	Required	Variance Amount Needed
Sect. 17.4.A.3	100'	4' (96.22' for 4' Variance)
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		

Application Page 2

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

Can't add additional property to the back.
It is only 4' short from the 100' depth

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): John Dunwoody

Applicant signature: [Signature]

Owner Name (print or type): Dunwoody Properties, LLC

Owner signature: [Signature]

Date Received _____ Date Paid _____ Receipt Number _____

209 SOUTH WASHINGTON • PO Box 1168 • KAUFMAN, TEXAS 75142 • (972) 932-2216 • FAX (972) 932-6288
g:\development services\email & forms\originals for inhouse use only\board of adjustment application & guidelines.docx Updated 2/22/2019

Property Owner Responses

Date:	<u>11-18-2024</u>	RE	Conduct a public hearing and consider a request from John Dunwoody, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.3 Minimum Lot Depth. The property is zoned Single-Family Residential - 6 (SF-6). The subject property is located at 2005 Rand Road (Property ID 2254), being part of the Thomas Beedy Survey, Abstract 21, City of Kaufman, Kaufman County, Texas. (Case No. V-07-24)
Name:	<u>Pat Arellano</u>		
Address:	<u>2008 Willowcrest Dr</u>		
City & State:	<u>Kaufman, Tx</u>		
Phone #	<u>925-787-2568</u>	<input checked="" type="checkbox"/> I AM IN FAVOR	<input type="checkbox"/> I OBJECT
COMMENTS:	<u>I have no complaints regarding the variance request of Minimum Lot Depth.</u>		
	<u>Pat Arellano</u>	<u>Pat Arellano</u>	
	NAME PRINTED	SIGNATURE	



MINUTES
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, OCTOBER 29, 2024 - 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

PLEDGE OF ALLEGIANCE

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 Chairman Reed called the meeting to order at 6:00 p.m. on Tuesday, October 29, 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 Planner Joy Henderson. Present in the audience were Jihad Abdo and Enrique Martinez.

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

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PUBLIC HEARINGS

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)
 - a. The Public Hearing opened at 6:02 p.m.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for 401 S. Clay Street (Property ID 73449). Details of the case can be found in report V-05-24 dated 10-29-2024.

Mr. Jihad Abdo stated the encroachment into the rear yard setback is due to the depth of the garage.

- c. The Public Hearing closed at 6:08 p.m.
 - d. Board Discussion – Board Member Thorpe expressed concern on the way Clay Street would be used, since it is not currently wide enough to be used as a street.
 - e. Board Member Kelley made a motion to approve the hardship. The motion was seconded by Board Member Burt. The motion carried by a vote of 3-1 with Vice-Chairman Reed, Board Member Burt, and Board Member Kelley voting yes and Board Member Thorpe voting no.
 - f. Board Member Kelley made a motion to approve the variance from Section 17.4.A.3 Minimum Lot Depth, to allow a single-family house. The motion was seconded by Board Member Burt. The motion carried by a vote of 3-1 with Vice-Chairman Reed, Board Member Burt, and Board Member Kelley voting yes and Board Member Thorpe voting no.
 - g. Board Member Kelley made a motion to approve the variance from Section 17.4.B.3 Minimum Rear Yard, to allow a single-family house. The motion was seconded by Board Member Burt. The motion carried by a vote of 3-1 with Vice-Chairman Reed, Board Member Burt, and Board Member Kelley voting yes and Board Member Thorpe voting no.
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)
- a. The Public Hearing opened at 6:13 p.m.
 - b. Director of Development Services Andrew Bogda presented a report on the variance request for 1607 South Houston Street (Property ID 37731). Details of the case can be found in report V-06-24 dated 10-29-2024.
 - c. The Public Hearing closed at 6:18 p.m.
 - d. Board Discussion – Board Member Kelley asked for clarification on the lot dimensions.
 - e. 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.
 - f. Board Member Thorpe made a motion to approve the variance from Section 17.4.A.2 Minimum Lot Width to allow a single-family house. The motion was seconded by Board Member Burt. The motion carried by a vote of 4-0.

CONSENT AGENDA

3. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the September 24, 2024 Regular Meeting.

Board Member Kelley made a motion to approve the Zoning Board of Adjustment Minutes from the September 24, 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 6:19 p.m.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNER