

AGENDA
ZONING BOARD of ADJUSTMENT REGULAR MEETING
TUESDAY, MAY 26, 2020 – 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET, KAUFMAN, TEXAS 75142

This meeting will be held using
videoconferencing/teleconferencing
technology with public access via :
WWW.ZOOM.US/JOIN or
(888)-788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 832 5949 5401
PASSWORD: 135372

CHAIRMAN	JOHN ELZNER
VICE CHAIRMAN	JIMMY REED
BOARD MEMBER	KATHY BURT
BOARD MEMBER	ROSA LEE FOSTER
BOARD MEMBER	CLAYTON KELLY
BOARD MEMBER	JOHNNY MURREY

PLEDGE OF ALLEGIANCE

US FLAG

TEXAS FLAG

"HONOR THE TEXAS FLAG. I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER GOD, ONE AND INDIVISIBLE".

CALL THE MEETING TO ORDER: Chairman calls the meeting or order, states the date and time, states the commissioners present, and declares a quorum present.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the Board of Adjustment 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 Board of Adjustment 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 Committee as a whole. **When addressing the Board of Adjustment members, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and Committee.**

PUBLIC HEARING ITEM:

1. Conduct a public hearing and consider a request from Woody and Natalie Mitchell for a variance to Section 16.4.B.1. Minimum Front Yard to allow a carport to encroach into the front yard setback of an existing single family house. The property is zoned Single Family

Residential -8 (SF-8). The subject property is located at 1603 Anthony Street (PID 35535), being Lot 10, Block 2 of Scotts Revised Addition (V-01-20)

- a. Open Public Hearing (Chairman states time)
- b. Close Public Hearing (Chairman states time)
- c. Board Discussion
- d. Take action on request

CONSENT AGENDA

1. Consider and act upon approval of the Zoning Board of Adjustment Minutes from the June 18, 2019 Regular Meeting.

ADJOURNMENT

I, Joy Henderson, Planning Technician, 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 22, 2020 and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

Joy Henderson

Joy Henderson

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.

Zoning Board of Adjustment Public Hearing:

May 26, 2020

Applicant/Owner:

Woody and Natalie Mitchell

Location:

1603 Anthony Street
Lot 10, Block 2 of Scott's Revised Addition (PID 35535),
City of Kaufman, Kaufman County, Texas.

Background:

The property located in the Scott's Revised Addition is zoned Single-Family Residential-8 ("SF-8") and is currently developed with a 1,812 square foot home built in 1959. The home includes a 420 square foot enclosed garage. The lot contains approximately 13,155 square feet. The minimum lot size in "SF-8" is 8,000 square feet.

On May 2nd, the homeowner and his contractor were asked to stop working on construction of a carport being incorporated into the roof line of the house, because they did not have an approved building permit (see pictures on page 7 of 15). The new carport extends approximately 23 feet from the house into the 30 foot front yard setback.

The property owner and his contractor met with staff on May 4th to discuss the building permit application requirements and the necessary variance request. The building permit cannot be approved unless a variance is first approved.

New carport construction in older neighborhoods with existing carports encroaching into the front yard setback is a hard battle to fight. There are 25 carports in existence in the Scott's Revised Addition today and 8 of those carports, counting the current request are located on Anthony Street. Staff would not support a new carport in a subdivision where there were no other existing carports.

Requested Variances:

The requested variance below is to Section 16, Single Family Residential-8 of the City of Kaufman Zoning Ordinance, O-02-07 for the property addressed as 1603 Anthony Street.

1. Section 16.4.B.1 – Minimum front yard setback – thirty feet (30')

The request is for a 23 foot variance to the minimum front yard setback for a carport only.

If approved, it would allow a carport on the existing driveway to have a 7 foot front yard setback.

Special Conditions for Variances:

Staff technically found no special conditions exist. However, Staff recommends approval due to the following outstanding circumstances existing in the Scott Addition:

1. The Scott's Revised Addition was filed July 31, 1959, when the City did not have an adopted zoning ordinance. The first zoning ordinance was adopted in 1980.
 - a. The majority of homes were built before the city adopted the first zoning ordinance.
 - b. Numerous homes had only a 1 car garage, which were later enclosed (most without building permits).
 - c. Carports were added to the front of homes for several reasons:
 - i. 1 and 2 car garages became enclosed over the years and a carport was added to protect the vehicles from the elements (See attached pictures)
 - ii. The number of vehicles per family went from an average of 1 car to 2 and 3 cars.

Property Owner Notification:

The City of Kaufman mailed out notification letters to 21 property owners within 200' of 1603 Anthony 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: 6.**
- Property owners who have not responded: 15.
- **Property owners outside the 200' radius in agreement of the request: 1.**

Attachments:

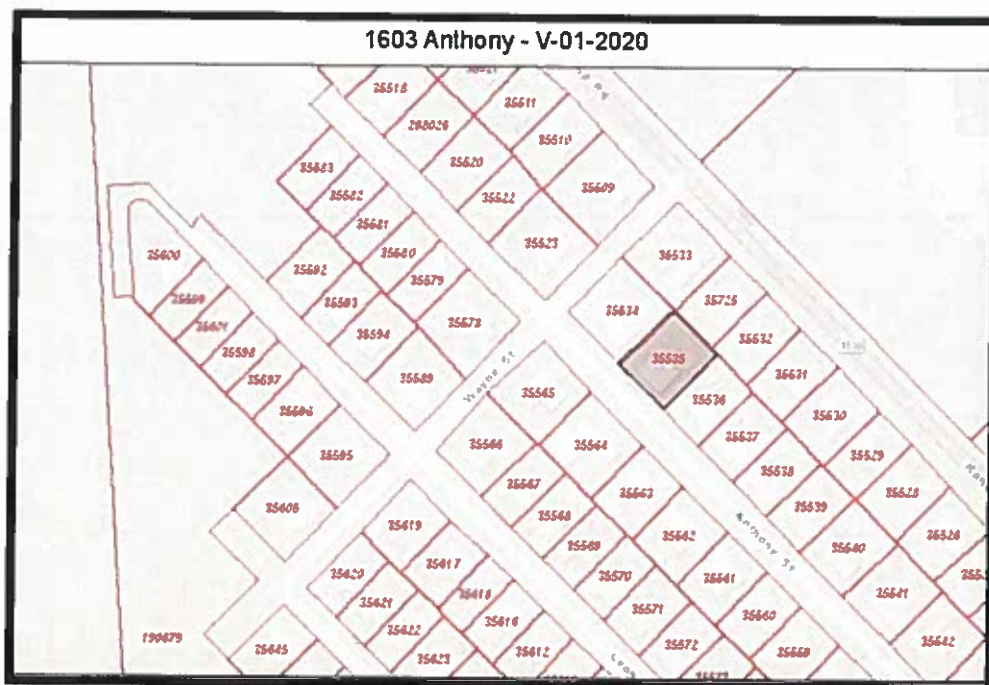
Location Map

Application

Survey

Pictures of existing carports in the Scott Addition

Property Owner Responses



Application

Case Number: V- _____



BOARD OF ADJUSTMENT APPLICATION

1. Site Location:
 Street Address: 1603 Anthony
 Lot, Block, & Subdivision Name: Marcy will fill out
2. Applicant:
 Name: you Woody MITCHELL
 Address: 1603 ANTHONY
 City/State: KAUFMAN, TX Zip: 75142
 Office #: 972-932-3232 Cell #: 2145079131 Fax #: _____
 Email Address: BAIL HOND69@ymhoo.com
3. Property Owner:
 Name: you Woody MITCHELL
 Address: 1603 ANTHONY ST
 City/State: KAUFMAN, TX Zip: 75142
 Office #: 972-932-3232 Cell #: 2145079131 Fax #: _____
 Email Address: _____

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

Marcy

Section	Required	Variance Amount Needed
Sect. <u>16.4.B.1</u>	<u>Front Yard Setback 25'</u>	
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		

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 g:\development services\email & forms\originals for inhouse use only\board of adjustment application & guidelines.docx Updated 2/22/2019

Application

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

see attached letter

- 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): X Woody MITCHELL

Applicant signature: X Woody Mitchell

Owner Name (print or type): X Woody MITCHELL

Owner signature: X Woody Mitchell

Date Received _____ Date Paid _____ Receipt Number _____

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g:\development services\email & forms\originals for inhouse use only\board of adjustment application & guidelines.docx Updated 2/22/2019

Application

BOARD OF ADJUSTMENT COMMITTEE

APPLICATION FOR A VARIANCE

1603 ANTHONY STREET, KAUFMAN, TX., SCOTT EDITION

MY NAME IS WOODY MITCHELL AN I AM THE HOME OWNER AT

1603 ANTHONY STREET. I AM A FIRST TIME BUYER AND WE CLOSED ON OUR HOUSE JULY 2019. SINCE THAT TIME THE TAIL GATE ON MYTRUCK WAS STOLEN AND AT A SEPRATE TIME MY WIFE'S SUV WAS BROKEN INTO. AT THIS TIME WE HAVE A 2 CAR GARAGE AND HAVE 4 VEHICLES. A TRUCK, JEEP, MY WIFE'S SUV, AND A BOAT WHICH I HAVETO KEEP IN STORAGE. WE HAVE A BAIL BOND COMPANY AND MY WIFE AN I HAVE TO GET UP AT ALL HOURS OF THE NIGHT. AFTER THE BREAK INS MY WIFE WAS PRETTY NERVOUS ABOUT LEAVING THE HOUSE AT 2:00am or 3:00 IN THE MORNING. SHE SAW A PICTURE OF THIS CARPORT AND WANTED US TO INSTALL ONE. I KNOW THIS IS NO EXCUSE BUT BEING A FIRST TIME BUYER I DIDN'T NO THE DO'S AND DON'T'S. AT THIS TIME WE HAVE INSTALLED MOTION DETECTORS WHICH WILL LIGHT UP WHEN YOU COME OUT THE FRONT DOOR AND LIGHTS UP THE VEHICLES. I HAVE TALKED WITH SEVERAL OF THE NEIGHBORS AND HAVE ONLY POSITIVE FEED BACK. I ASK YOU PLEASE ALLOW US THIS VARIANCE, IT WOULD SURE BENEFIT THE MITCHELL FAMILY.

THANK YOU FOR YOUR TIME

NATALIE MITCHELL

WOODY MITCHELL

Application

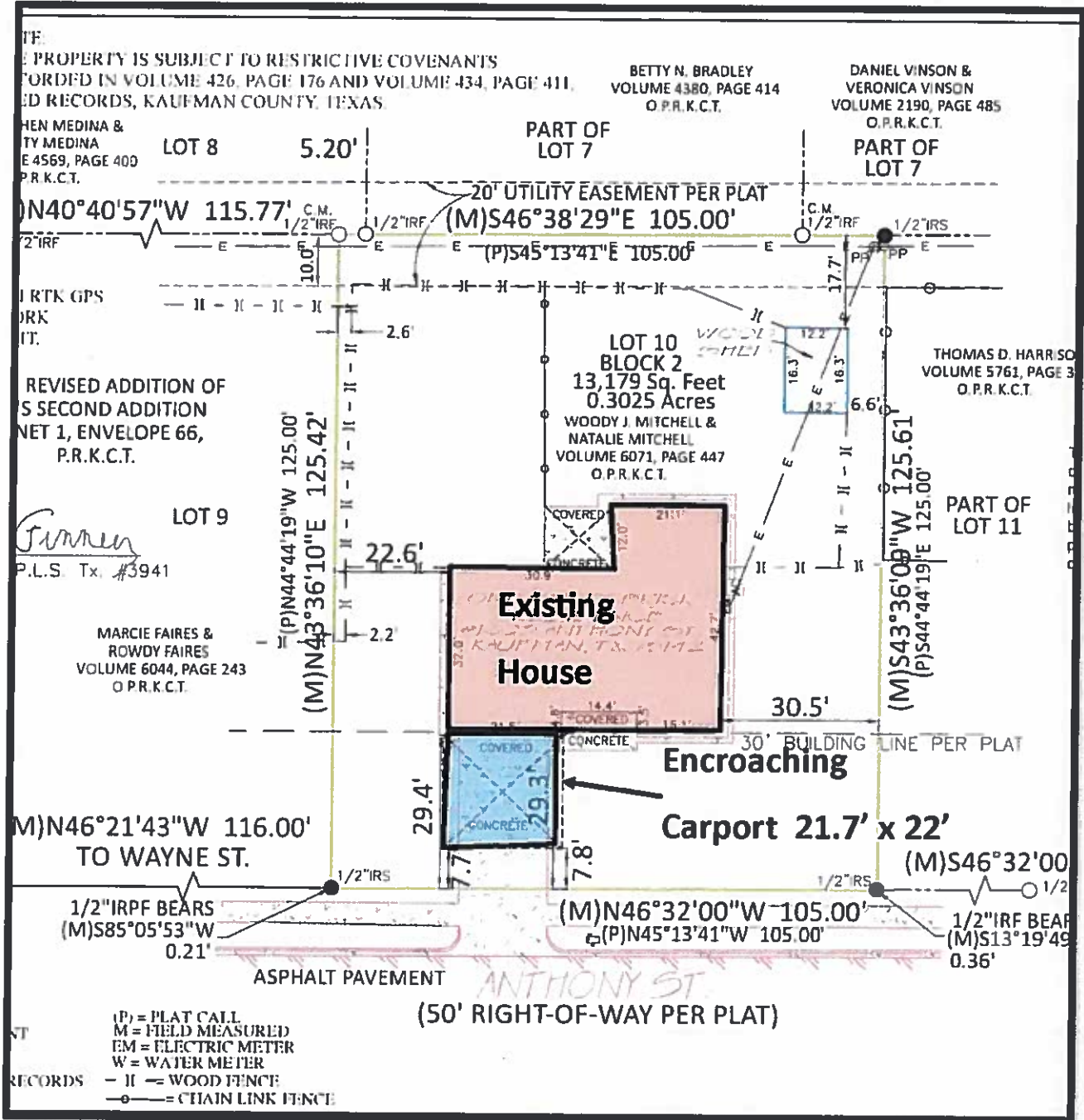
Picture of existing house from 2015



Pictures of carport construction



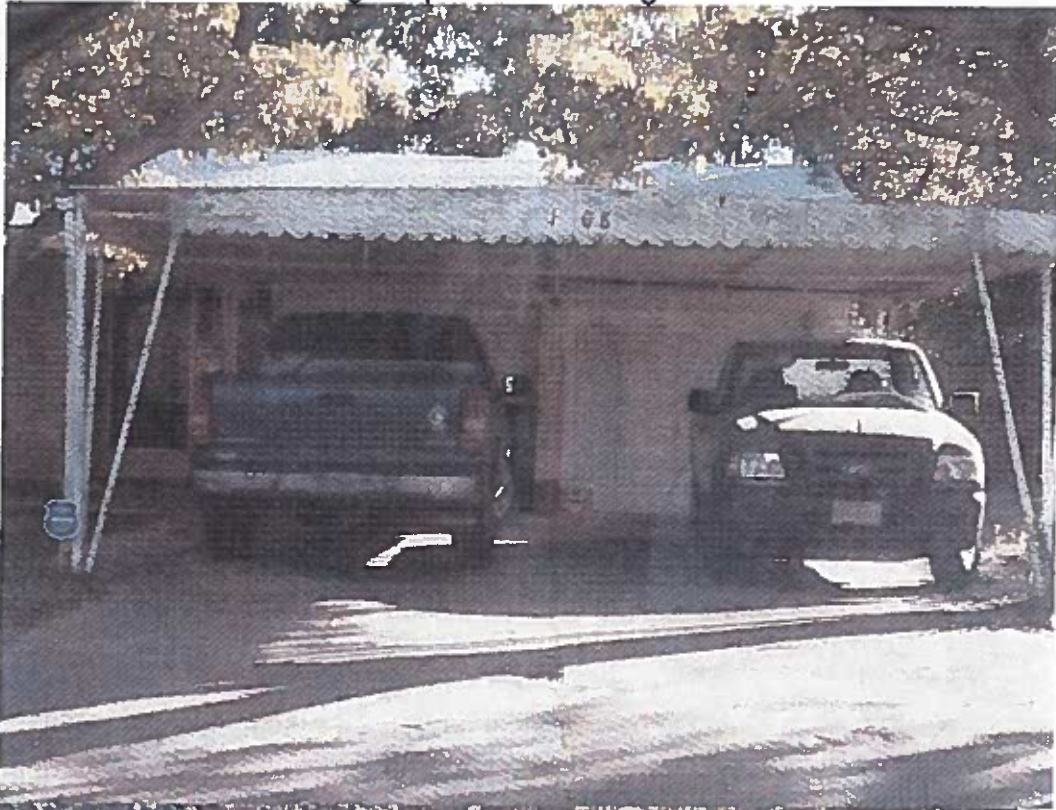
Survey



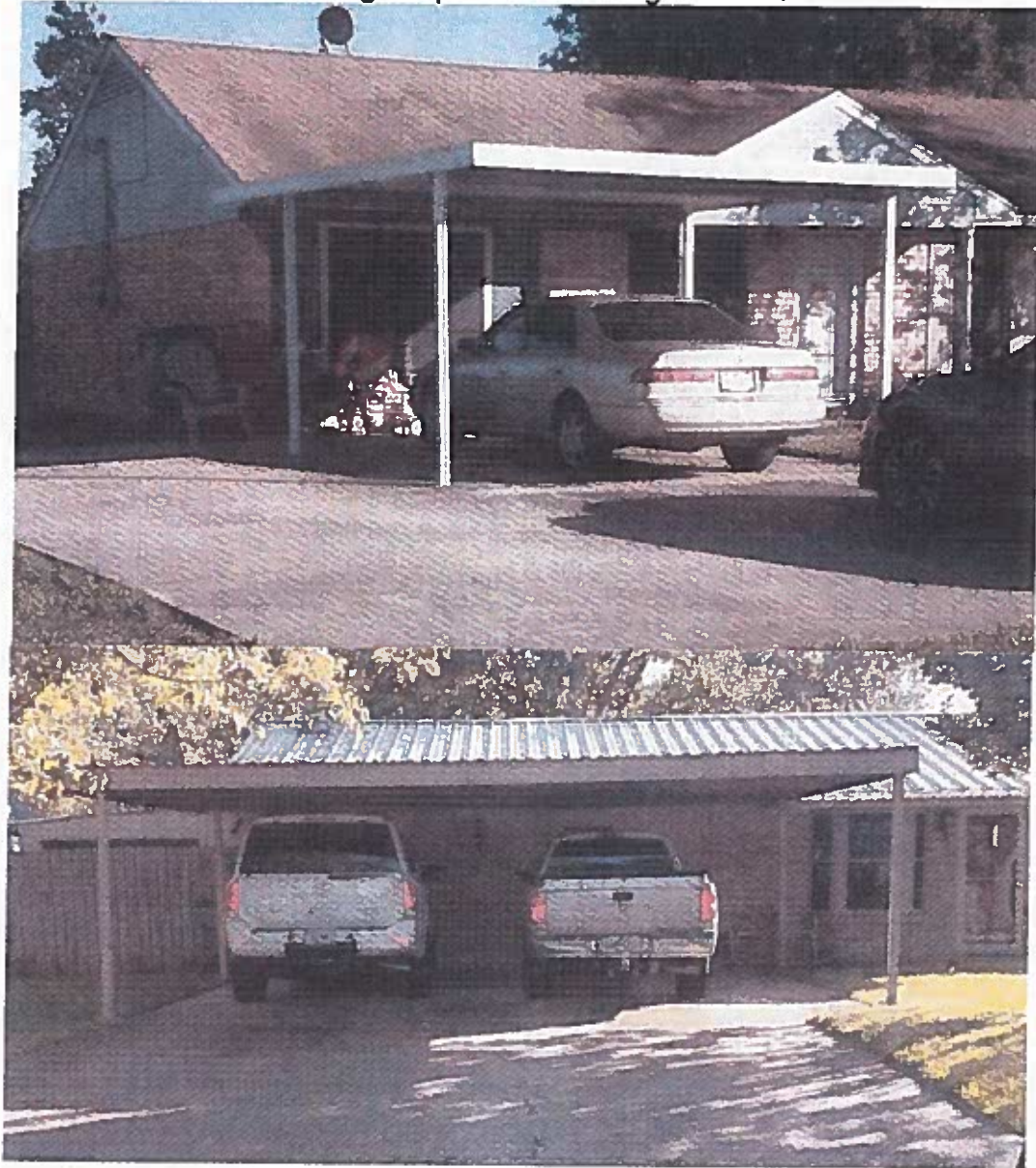
Existing Carports in the Neighborhood



Existing Carports in the Neighborhood



Existing Carports in the Neighborhood



Existing Carports in the Neighborhood



Property Owner Responses

To: City of Kaufman

May 5, 2020

I own and reside at 1602 Anthony Street. My family has owned this home since 1973. The Mitchell home has been occupied ~~since~~ by quite a few families since the Murrells moved out in the 80's. The Mitchells have taken such good care of the house since they moved in. They have made it a home. Always doing something to make it special. Now they want to add a carport. It's a very nice design that will add to the home's look and our neighborhood. I have absolutely no problem with this addition. Please give them permission to do this.

Thank You,

Leslie Lemmons

Macie K. Faries

1601 Anthony St.
Kaufman, Tx 75142
214-534-3337
mfaries@kaufman-isd.net

May 6, 2020

To Whom It May Concern,

I am writing this letter in regards to Mr. Woody Mitchell, my neighbor and friend and I hope it finds you well. Thank you very much for your time.

Mr. Mitchell is an outstanding citizen and member of society. Recently he began a project of building a carport for his family but was asked by the city to stop. He desires to continue building his carport and the Faries family is in complete support of this.

Not only will the car port raise his house value but it will also protect his vehicles and deter any further theft which he and his family has suffered from in the past.

The Mitchell family deserves to continue building the carport and the Faries family is in support and asks with respect and sincerity that he be able to continue building it.

Sincerely,

Macie K. Faries

Macie K. Faries

Property Owner Responses

5-6-2020

City of Kaufman.

My name is Joanna Segura. I live at 1600 Anthony St., just westward from the Mitchells. While the work was going on, I let them the Mitchells know how nice it was coming along. My husband and I feel that their carport not only improves the look of their home but to our street. I understand they have to go before the board; I just pray and hope that they are able to keep the carport.

Thank you-
Joanna Segura

5/6/20

To whom it may concern,

My name is Thomas Harrison and I live next door to the Mitchell's at 1605 Anthony. As for the carport I feel it adds a plus to the neighborhood as well as serves a good purpose. The Mitchell's carport looks so much better than any of the others in the Scott Edition. I hope they are allowed to finish their work.

Neither my wife nor I have any problems with the carport. It adds to our neighborhood.


Thomas Harrison

Property Owner Responses

May 6, 2020

To the City of Kaufman
209 S. Washington
Kaufman, Texas

To Whom It May Concern:

I have no objection to Woody and Natalie Mitchell building or adding a carport to their home at 1603 Anthony Street.

I think it will add to the property and enhance the area.

Sincerely,



Betty Jane Tallas
1604 Anthony St.

Any written comments must be received by **Thursday, May 21, 2020 by 1:00 p.m.** Please complete and return the form provided or in a letter to the City of Kaufman, Development Services, P.O. Box 1168, Kaufman, Texas 75142 or by emailing it to kaufmanplanning@kaufmantx.org

Date: 5-11-2020
Name: Betty K Parsons
Address: 1609 Anthony
City & State: Kaufman, TX 75142
Phone #: 214-546-4400

RE: Conduct a public hearing and consider a request from Woody and Natalie Mitchell for a variance to Section 16.4 B 1. Minimum Front Yard to allow a carport to encroach into the front yard setback of an existing single family house. The property is zoned Single Family Residential -8 (SF-8). The subject property is located at 1603 Anthony Street (PID 35535), being Lot 10, Block 2 of Scotts Revised Addition (V-91-20)

☒ I AM IN FAVOR

☐ I OBJECT

COMMENTS:

Betty K Parsons

NAME PRINTED

Betty K Parsons

SIGNATURE

DETACH ON DOTTED LINE

Property Owner Responses

May 6, 2020

To the City of Kaufman
209 S. Washington
Kaufman, Texas

To Whom It May Concern:

I am in agreement with Woody and Natalie Mitchell,
in building carport to their home at 1603 Anthony
Street.

I think it will make the home look better and add
value.

Sincerely,


Carolyn Harrison
1689 Anthony St.

MINUTES
ZONING BOARD of ADJUSTMENT REGULAR MEETING
TUESDAY, JUNE 18, 2019 – 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
209 South Washington Street, Kaufman, Texas 75142

CHAIRMAN	JOHN ELZNER	Absent
VICE CHAIRMAN	JIMMY REED	
BOARD MEMBER	KATHY BURT	
BOARD MEMBER	ROSA LEE FOSTER	
BOARD MEMBER	CLAYTON KELLY	
BOARD MEMBER	JOHNNY MURREY	Absent

CALL THE MEETING TO ORDER: Chairman calls the meeting or order, states the date and time, states the commissioners present, and declares a quorum present.

Vice-Chairman Reed called the meeting to order on Tuesday, June 18, 2019 at 6:01 p.m. Board Member present were Jimmy Reed, Kathy Burt, Rosa Lee Foster, and Clayton Kelly. Chairman Elzner declared a quorum present. Director of Development Services Marcy Ratcliff and Planning Technician Joy Henderson were present. Present in the audience was Glen Walker.

INVOCATION

PLEDGE OF ALLEGIANCE

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CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the Board of Adjustment 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 Board of Adjustment 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 Committee as a whole. **When addressing the Board of Adjustment members, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and Committee.**

PUBLIC HEARING ITEM:

- 1. CONSIDER A REQUEST FROM GLENN WALKER, REPRESENTING ROD ADAMS, FOR A VARIANCE TO SECTION 17.4.B.1. MINIMUM FRONT YARD AND SECTION 17.4.B.4**

ACCESSORY BUILDINGS TO ALLOW A ACCESSORY STORAGE BUILDING TO BE LOCATED IN THE FRONT YARD OF AN EXISTING SINGLE FAMILY HOUSE. THE PROPERTY IS ZONED (SF-6) SINGLE FAMILY. THE SUBJECT PROPERTY IS LOCATED AT 300 WEST 8TH STREET. DESCRIBED AS PART OF BLOCK 134 OF SNOW SECOND ADDITION, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. (CASE NO. V-03-19)

Marcy Ratcliff, Director of Development Services stated the property is zoned "SF-6" – Single-Family Residential and is currently developed with a 3,273 square foot home. The original house was built in 1952. The lot contains 19,776.24 square feet (0.454 acres). The minimum lot size in "SF-6" is 6,000 square feet. The property fronts on the following three streets: South Clay, West 8th, and South Jefferson. The lot is 197.77 feet wide and 100 feet deep. This means there is a 25 foot front yard setback along each street. The owner, Rodney Adams, desires to construct a 32 foot x 17 foot accessory storage building (544 SF) on an existing concrete pad that once had a metal carport covering for a recreational vehicle. The metal carport was removed within the last several years. The accessory structure is proposed to be located 8 feet from the South Clay Street property line. There are numerous structures in the neighborhood located in the setback requirements, but were built prior to the 2007 Zoning Ordinance O-02-07. The proposed exterior siding of the accessory storage building is Hardie Board (fiber cement siding). The siding will appear to look like wood lap board which would fit within the neighborhood. The roof shingles are proposed to match the house. The roof will have a 5:12 pitch (5 inch rise in a length of 12 inches – pitch angle of 22.6 degrees). The building is proposed to have a single 10 foot roll up door and a single 3 foot door. The two requested variances are: 1. the minimum front yard setback is twenty-five feet which the request is for a 17 foot variance on the minimum South Clay Street front yard setback. 2. Accessory Buildings are to be located behind the front building line with a minimum of 10 feet separation between the main building and accessory structure and a minimum of 3 feet from any side or rear property line which the request is for a 17 foot variance to allow an accessory building to be located within the 25 foot front building line setback. The application as submitted did not provide findings of undue hardship, but the applicant may provide such at the public hearing.

a. OPEN PUBLIC HEARING (CHAIRMAN STATES TIME)

The Public Hearing was opened at 6:03 p.m.

Glen Walker stated the property previously had a large tall carport for the rv that was removed last year. If they would have known they would not have been able to put the storage building in that location, they would not have removed the carport, but just enclose it. The whole neighborhood has carports and storage buildings that inroach into the setbacks.

b. CLOSE PUBLIC HEARING (CHAIRMAN STATES TIME)

The Public Hearing was closed at 6:27 p.m.

c. BOARD DISCUSSION

No discussion by the Board Members.

d. TAKE ACTION ON REQUEST

No action was taken since the Board could not find it in the best interest of the community to deny the request.

CONSENT AGENDA

2. CONSIDER AND ACT UPON APPROVAL OF THE ZONING BOARD MINUTES FROM THE FEBRUARY 21, 2019 REGULAR MEETING

Board Member Kelly made a motion to approve the Zoning Board Minutes for the February 21, 2019 meeting. The motion was seconded by Board Member Reed. Vice-Chairman Reed called for a vote with all voting AYE, 4-0.

ADJOURNMENT

Board Member Burt made a motion to adjourn at 6:29 p.m. The motion was seconded by Board Member Kelly. Vice-Chairman Reed called for a vote with all voting AYE, 4-0.

**JOHN ELZ
CHAIRMAN**