



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, FEBRUARY 15, 2022 - 5:30 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

**This meeting will be held using
videoconferencing/teleconferencing
technology with public access via:
[WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 976 451 4623
PASSWORD: 764322**

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.

ZONING BOARD OF ADJUSTMENTS TRAINING FROM 5:30 PM TO 6:00 P.M.

ADJOURN TO EXECUTIVE SESSION In accordance with Texas Government Code, Section 551.001, et seq., the Zoning Board of Adjustments will recess into Executive Session (closed meeting) to discuss the following: § 551.071: Consultation with an Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: variances and ordinance provisions.

RETURN FROM EXECUTIVE SESSION. ZONING BOARD OF ADJUSTMENTS REGULAR MEETING STARTS AT 6:00 P.M.

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

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 BOA Chairman.

PUBLIC HEARING

1. Conduct a public hearing and consider and take action on a request from Mike Medley, representing Gary Dipprey, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.1 regarding lot square footage, Section 17.4.A.2 regarding lot width, Section 17.4.A.3 regarding lot depth, and Section 17.4.B.3 regarding rear yard setback. The

applicant is requesting the above listed variances 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 202 Wykagyl Street (PID 27892), being a portion of Block 8 of the Johnson Addition. (Case No. V-01-22)

- a. Open Public Hearing (Chairman states time)
 - b. Close Public Hearing (Chairman states time)
 - c. Board Discussion
 - d. Determine Hardship
 - e. Take action on request
2. Conduct a public hearing and consider and take action on a request from Gerson Andrade, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically 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 in the 1500 block of Park Street (PID 20939), being Lot 7 and 8, Block 18 of the Cottage Heights Addition. (Case No.V-02-22)
 - a. Open Public Hearing (Chairman states time)
 - b. Close Public Hearing (Chairman states time)
 - c. Board Discussion
 - d. Determine Hardship
 - e. Take action on request
3. Conduct a public hearing and consider and take action on a request from Ruben Pacheco, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically 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 1711 Marshall Street (PID 20992), being Lot 15 and 16, Block 22 of the Cottage Heights Addition. (Case No.V-03-22)
 - a. Open Public Hearing (Chairman states time)
 - b. Close Public Hearing (Chairman states time)
 - c. Board Discussion
 - d. Determine Hardship
 - e. Take action on request

CONSENT AGENDA

4. Consider and act upon approval of the Zoning Board of Adjustment minutes from the December 9, 2021 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, FEBRUARY 11, 2022 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



Joy Henderson
Planning Technician

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).

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE BOARDMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC BY ACCESSING [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR (888)788-0099 (TOLL FREE) MEETING/WEBINAR ID: 976 451 4623 PASSWORD: 764322**

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.



Case V-01-22

Zoning Board of Adjustment Public Hearing:

February 15, 2022

Applicant/Owner:

Mike Medley representing Gary Dipprey

Location:

202 Wykagyl Street

Part of Block 8 of the Johnson Addition

City of Kaufman, Kaufman County, Texas (PID 27892)

BACKGROUND:

The property located in the Johnson Addition is zoned Single-Family Residential-6 ("SF-6") and is currently a non-conforming undeveloped lot. The previous residential structure was demolished in July 1999. The existing lot contains 5,215 square feet and is 59 feet wide and 88 feet deep. The minimum lot size in "SF-6" is 6,000 square feet. The minimum lot width in "SF-6" is 60 feet. The minimum lot depth in "SF-6" is 100 feet. The minimum rear yard setback is 25 feet. There is not additional property available to increase the lot size, width, and depth. The surrounding lots are currently developed and occupied with single-family residences.

The applicant found a two-story 2,396 SF house plan with the required 2 car garage that met all the required yard setbacks and the minimum house size, with the exception of the rear yard set back for a concret patio. The minimum front yard setback is 25 feet and the interior minimum side yard setbacks are 6 feet for each side. The minimum rear yard setback is 25 feet, but the applicant is requesting a variance of 8 feet. The proposed house layout would meet all of the minimum requirements with the exception of the concret patio.

However, variances are necessary because the non-conforming lot does not meet the minimum lot size, lot width and lot depth. The approval of variances 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.

To give you an idea of what a house would look like on a small 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 between 5,000 and 6,000 SF and the house size averages 2,866 SF with an average cost of \$317,508.

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 202 Wykagyl Street (PID 27892).

1. Section 17.4.A.1 – Minimum lot size

- a. Required - Minimum 6,000 square feet
- b. Requested - a 785 square foot variance
- c. If approved - it would allow a minimum lot size of 5,215 square feet

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

- a. Required - Minimum 60 foot width
- b. Requested – 1 foot variance
- c. If approved - it would allow a minimum lot width of 59 feet

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

- a. Required - Minimum 100 foot depth
- b. Requested - 12 foot variance
- c. If approved - it would allow a minimum depth of 88 feet

4. Section 17.4.B.3 – Minimum rear yard setback

- a. Required - Minimum 25 foot setback
- b. Requested - 8 foot variance
- c. If approved - it would allow a minimum rear yard setback of 17 feet

UNDUE HARDSHIP FOR VARIANCES:

Staff found an undue hardships exists for requests 1 to 3, but not for request 4. Staff recommends partial approval of Case #V-01-22 due to the following circumstance existing on the subject property:

- 1. Staff recommends approval of the hardship for the minimum **lot size** - The existing non-conforming undeveloped lot is limited to a maximum **lot size** of 5,215 square feet because the surrounding lots are currently developed and occupied with single-family residences, and there is no additional land available to increase the lot size.
- 2. Staff recommends approval of the hardship for the minimum **lot width** - The existing non-conforming undeveloped lot is limited to a maximum lot width of 59 feet because the surrounding lots are currently developed and occupied with single-family residences, and there is no additional land available to increase the lot size.
- 3. Staff recommends approval of the hardship for the minimum **lot depth**- The existing non-conforming undeveloped lot is limited to a maximum lot depth of 88 feet because the surrounding lots are currently developed and occupied with single-family residences, and there is no additional land available to increase the lot size.
- 4. Staff recommends denial of the hardship for the minimum **rear yard setback** – The previous request showed a house footprint that would fit on this lot without any variances being required.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 19 property owners within 200' of 202 Wykagyl 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: 19

Attachments:

Location Map

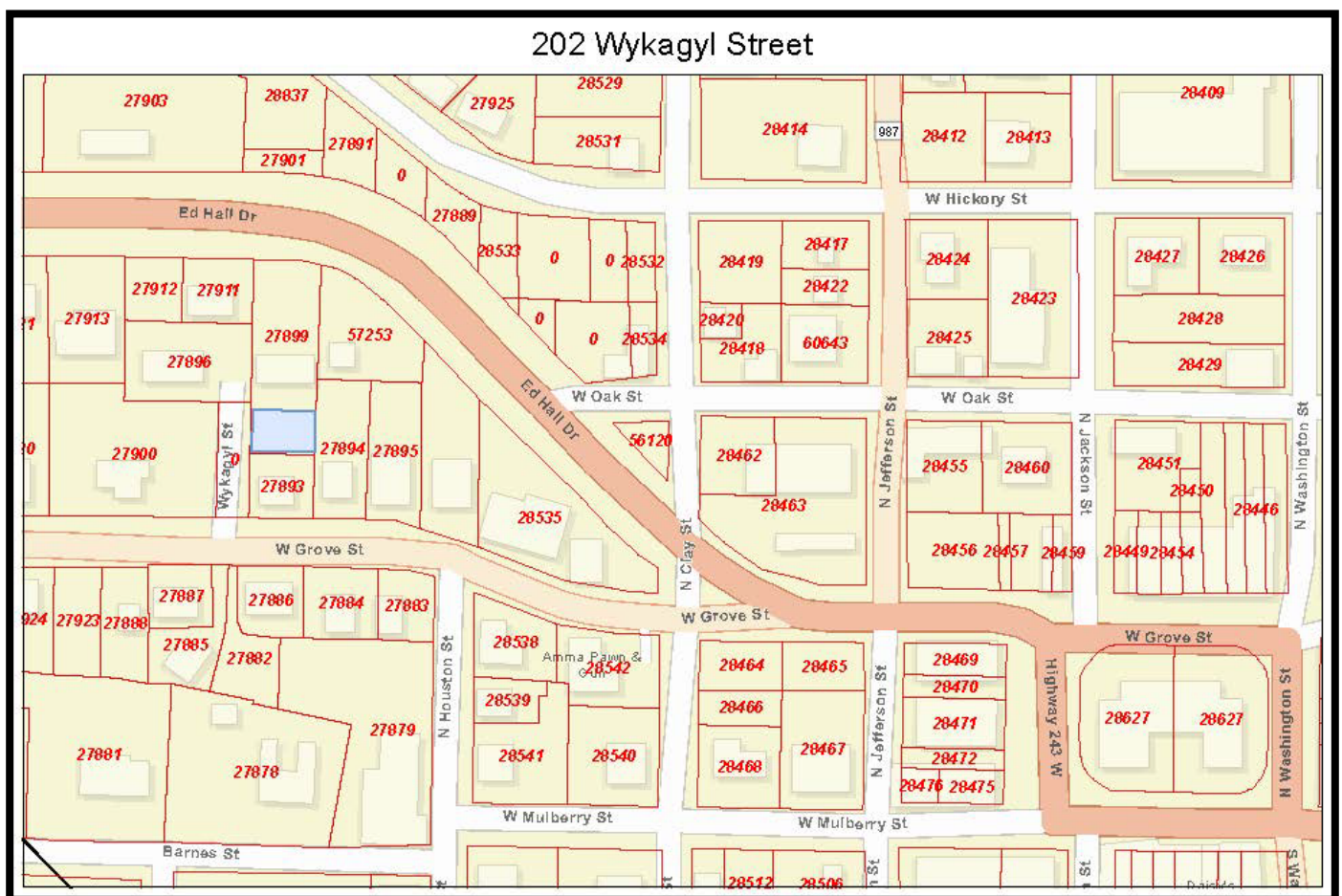
Application

Survey

Site Plan with Foot Print

Property Picture

Property Owner Notification Responses



Case Number: V- 01-22

BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: 202 Wykagyl PID 27892
 Lot, Block, & Subdivision Name: Johnson subdivision Block 8
2. **Applicant:**
 Name: Mike Medley
 Address: 2800 Wildcreek Court
 City/State: Keller, Texas Zip: 76248
 Office #: _____ Cell #: 806-239-7808 Fax #: _____
 Email Address: Mikemedley@kw.com
3. **Property Owner:**
 Name: Garry Dippery
 Address: 22 Gregory lane
 City/State: New Waverly, Texas Zip: 77358
 Office #: _____ Cell #: 972-965-9055 Fax #: _____
 Email Address: emily_mcmurray@yahoo.com

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

Section	Required	Variance Amount Needed
Sect. 17.4.A	6000 sq/ft	one foot of width and 12 feet of depth
Sect. 17.4.A.1	6000 sq/ft	790 sq/ft
Sect. 17.4.A.2	60 ft width	1ft or 59 ft
Sect. 17.4.A.3	100 ft deep	12 ft or 88.31ft
Sect. <u>17.4.B.3</u>	<u>25 ft Setback</u>	<u>17 ft</u>
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

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

This property is 59 feet wide and 88 feet deep, total sq/ft of 5192. It is short of the 6000 sq/ft.

So it is missing one foot of width and 12 feet of 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): Mike Medley

Applicant signature: _____

Mike Medley

DocuSign verified
01/19/22 4:18 PM CST
FWPG-S11Z-GANX-KSHT

Owner Name (print or type): Gary Dipprey

Owner signature: _____

Gary Dipprey

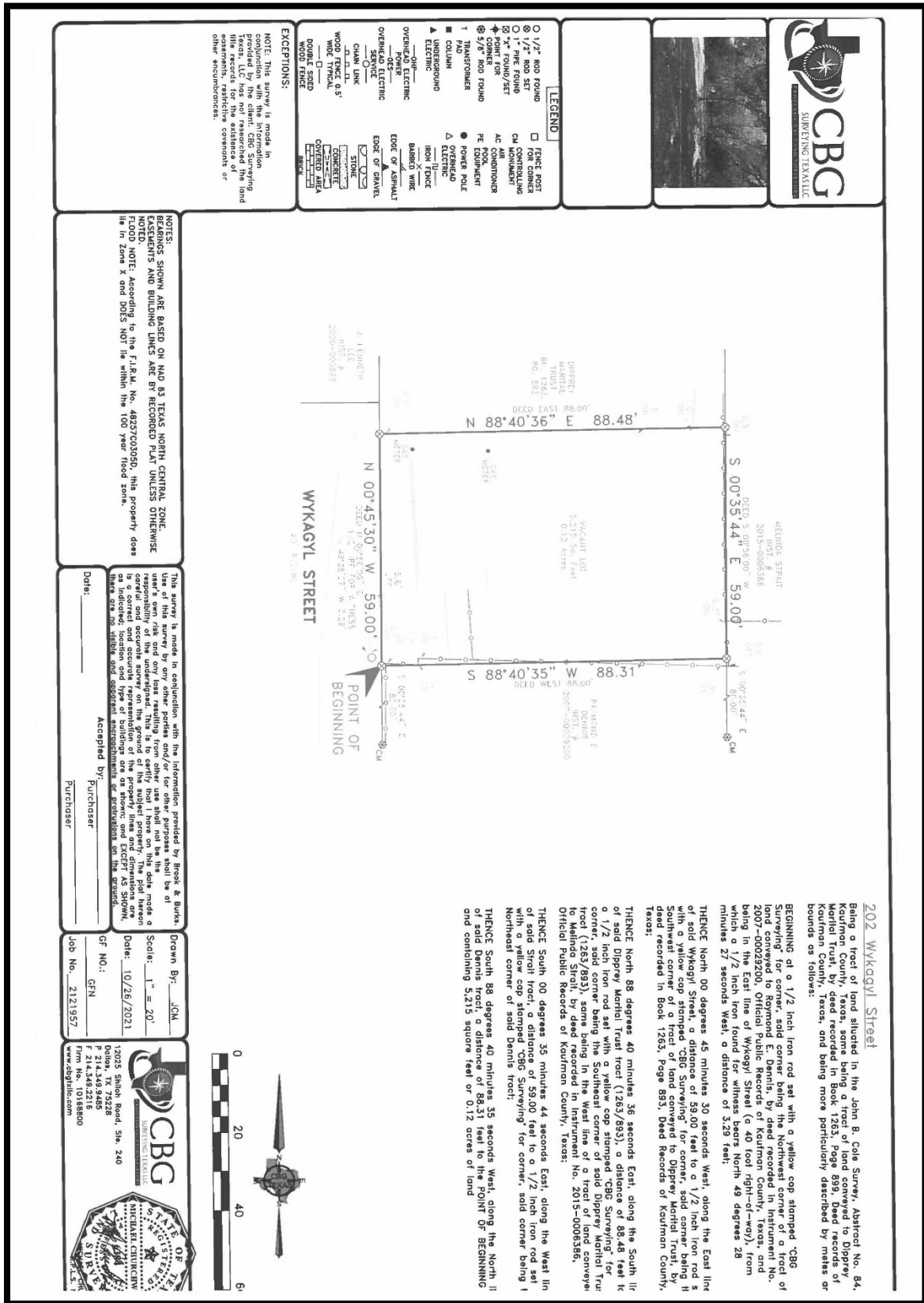
A7C4918F-DE7D48C

Date Received 1-24-22 Date Paid 1-24-22 Receipt Number 22-000076

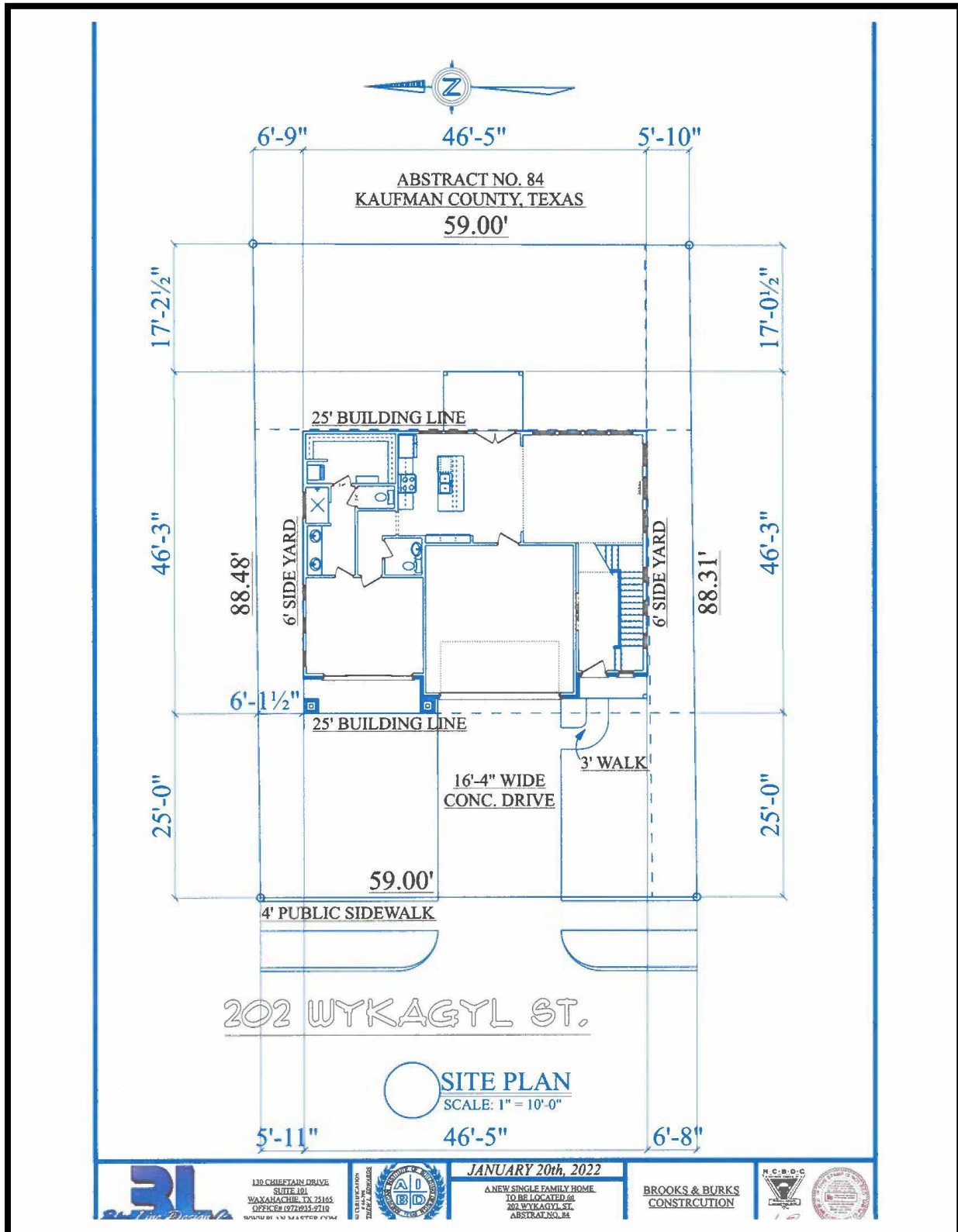
209 SOUTH WASHINGTON • PO Box 1168 • KAUFMAN, TEXAS 75142 • (972) 932-2216 • FAX (972) 932-6288

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

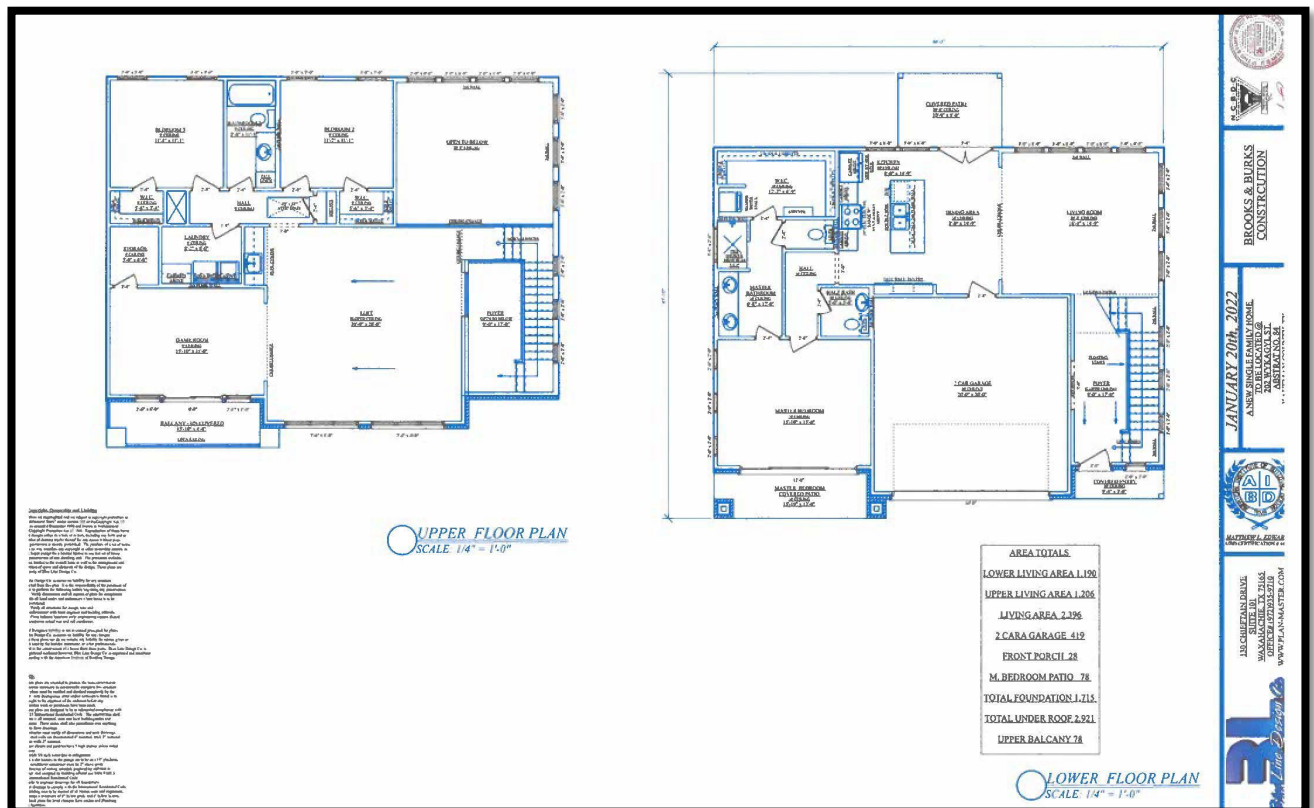
Survey



Site Plan with Foot Print of Proposed House



Picture of Property – 202 Wykagyl Street



Property Owner Notification Responses



Case V-02-22

Zoning Board of Adjustment Public Hearing:

February 15, 2022

Applicant/Owner:

Gerson Andrade

Location:

1500 Block of Park Street
Lot 7 and 8, Block 18 of the Cottage Heights Addition
City of Kaufman, Kaufman County, Texas (PID 20939)

BACKGROUND:

The property located in the Cottage Heights Addition is zoned Single-Family Residential-6 ("SF-6") and is currently a non-conforming undeveloped lot. The existing lot contains 6,000 square feet and is 50 feet wide and 120 feet deep. This meets the minimum lot size and minimum lot depth for the "SF-6" zoning district, but does not meet the minimum lot width of 60 feet. There is not additional property available to increase the lot width since the surrounding lots are currently developed and occupied with single-family residences.

However, 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 2660 square feet (38 feet wide by 70 feet deep) to build a house.

To give you an idea of what a house would look like on a small 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 between 5,000 and 6,000 SF and the house size averages 2,866 SF with an average cost of \$317,508.

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 1500 Block of Park Street (PID 20939).

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

- a. Required - Minimum 60 foot 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 an undue hardships exists. Staff recommends approval of Case #V-02-22 due to the following circumstance existing on the subject property:

1. Staff recommends approval of the hardship for the minimum **lot width** - The existing non-conforming undeveloped lot is limited to a maximum lot width of 50 feet because the surrounding lots are currently developed and occupied with single-family residences, and there is no additional land available to increase the lot size.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 17 property owners within 200' of 1500 block of Park 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: 17

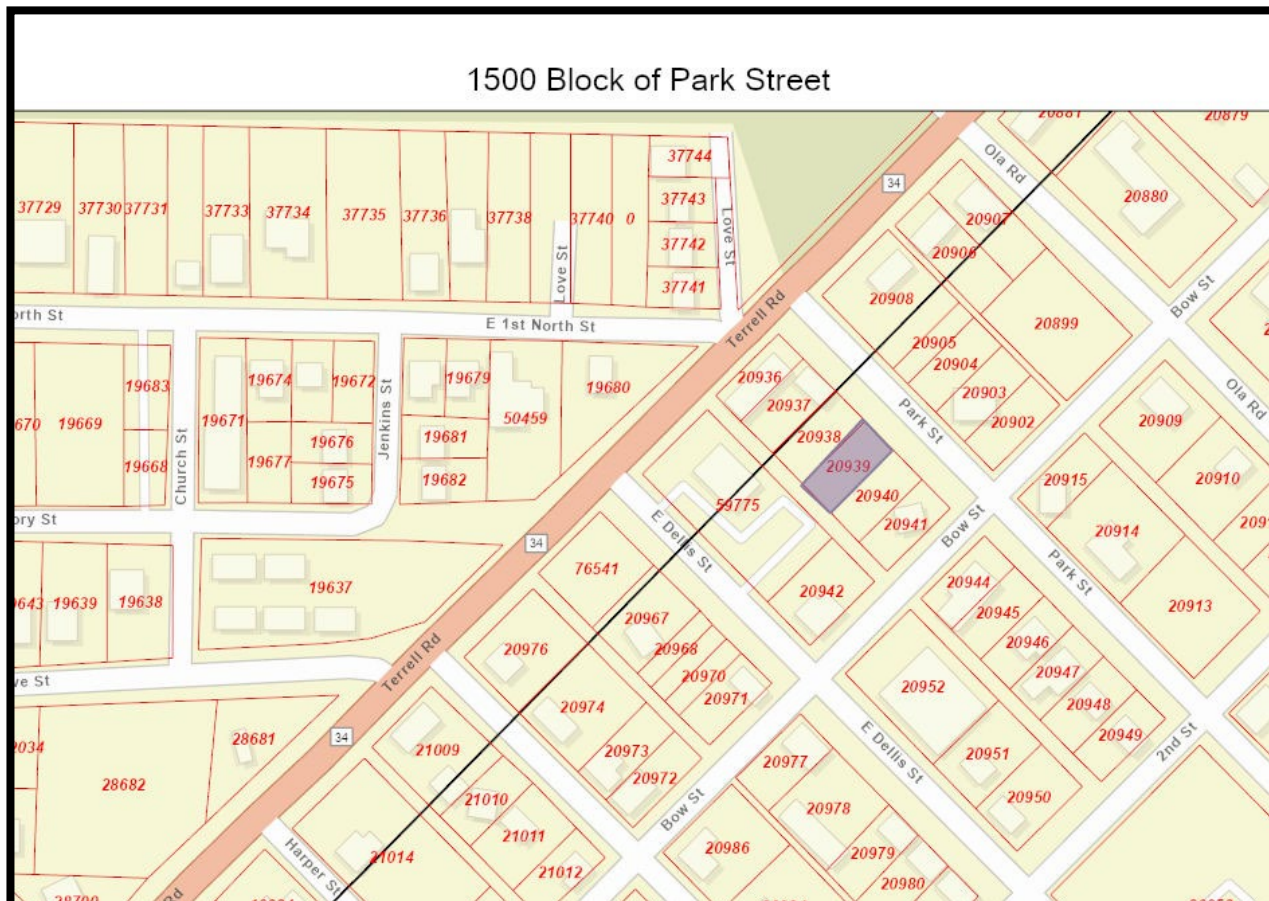
Attachments:

Location Map

Application

Survey

Property Owner Notification Responses



Application Page 1

Case Number: V- 02-22



BOARD OF ADJUSTMENT APPLICATION

1. Site Location:

Street Address: 1508 Park street

PID 20939

Lot, Block, & Subdivision Name: Lot 7 and Lot 8, Block 16, Cottage Heights

2. Applicant:

Name: Gerson D. Andrade

Address: 2209 W 77th St

City/State: Irving Texas

Zip: 75060

Office #:

Cell #: (409) 720-3364

Fax #:

Email Address: gerdaniel95@hotmail.com

3. Property Owner:

Name: Gerson D. Andrade

Address: 2209 W 77th St

City/State: Irving Texas

Zip: 75060

Office #:

Cell #: (409) 720-3364

Fax #:

Email Address: gerdaniel95@hotmail.com

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' = 50' wide</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

Application Page 2

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

Build a new 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): Gerson D. Andrade

Applicant signature: 

Owner Name (print or type): Gerson D. Andrade

Owner signature: 

Date Received 1-24-22 Date Paid 1-24-22 Receipt Number 22-000074

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

Page 17 of 28

Property Owner Notification Responses



Case V-03-22

Zoning Board of Adjustment Public Hearing:

February 15, 2022

Applicant/Owner:

Ruben Pacheco

Location:

1711 Marshall Street

Lot 15 and 16, Block 22 of the Cottage Heights Addition
City of Kaufman, Kaufman County, Texas (PID 20992)

BACKGROUND:

The property located in the Cottage Heights Addition is zoned Single-Family Residential-6 ("SF-6") and is currently a non-conforming undeveloped lot. The existing lot contains 6,000 square feet and is 50 feet wide and 120 feet deep. This meets the minimum lot size and minimum lot depth for the "SF-6" zoning district, but does not meet the minimum lot width of 60 feet. There is not additional property available to increase the lot width since the surrounding lots are currently developed and occupied with single-family residences.

However, 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 2660 square feet (38 feet wide by 70 feet deep) to build a house.

To give you an idea of what a house would look like on a small 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 between 5,000 and 6,000 SF and the house size averages 2,866 SF with an average cost of \$317,508.

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 1711 Marshall Street (PID 20992).

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

- a. Required - Minimum 60 foot 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 an undue hardships exists. Staff recommends approval of Case #V-03-22 due to the following circumstance existing on the subject property:

1. Staff recommends approval of the hardship for the minimum **lot width** - The existing non-conforming undeveloped lot is limited to a maximum lot width of 50 feet because the surrounding lots are currently developed and occupied with single-family residences, and there is no additional land available to increase the lot size.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 13 property owners within 200' of 1500 block of Park 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: 12

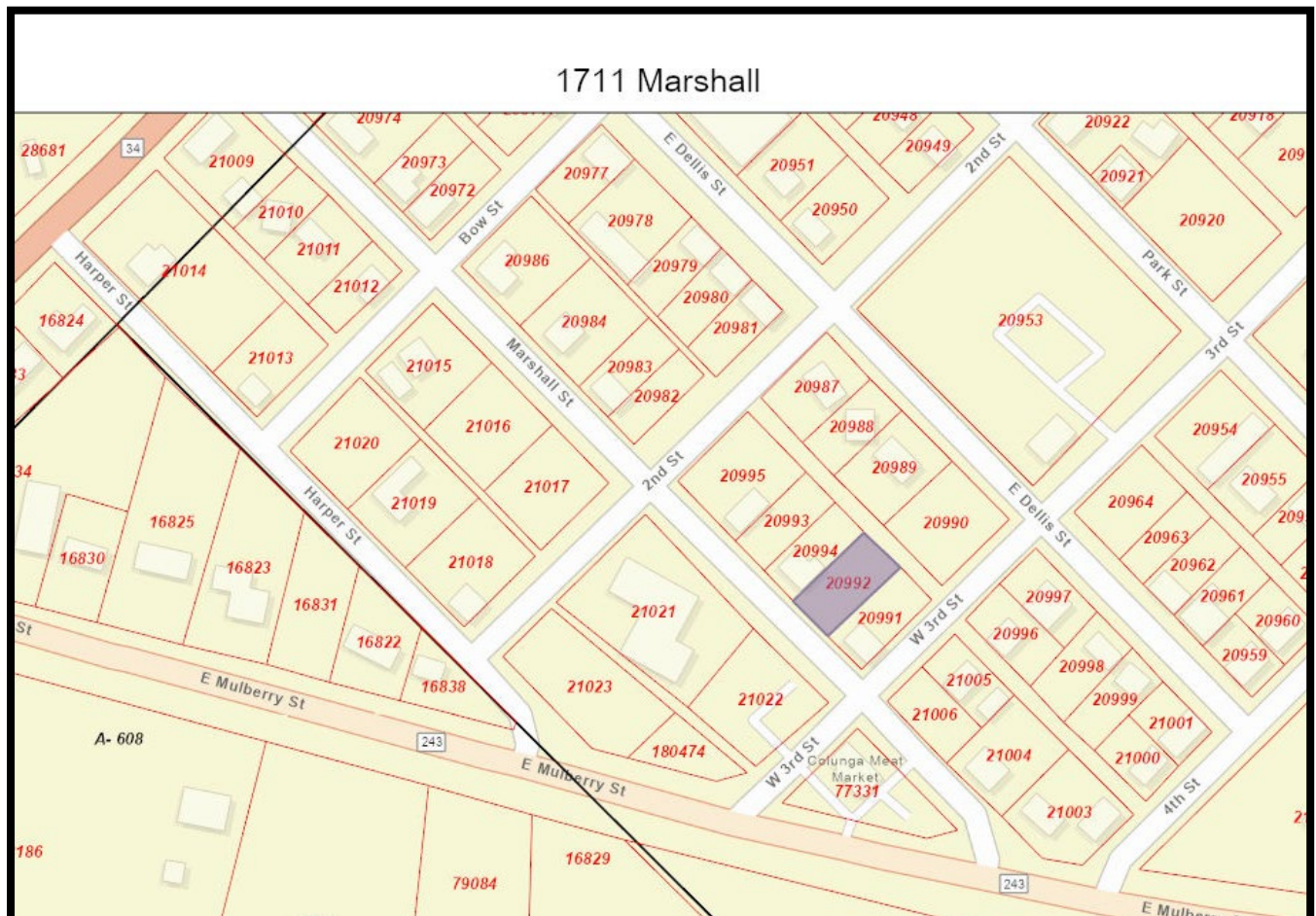
Attachments:

Location Map

Application

Survey

Property Owner Notification Responses



Case Number: V- 03-22



BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: 1711 Marshall St PID 20992
 Lot, Block, & Subdivision Name: Block 22 Lot 14:15
2. **Applicant:**
 Name: Ruben Pacheco
 Address: 5794 Klassikk Farm
 City/State: Kaufman Tx Zip: 75142
 Office #: _____ Cell #: 469-994-2446 Fax #: _____
 Email Address: RUBENPACHECO64@icloud.com
3. **Property Owner:**
 Name: Ruben Pacheco
 Address: 5794 Klassikk Farm
 City/State: Kaufman Tx Zip: 75142
 Office #: _____ Cell #: _____ Fax #: _____
 Email Address: _____

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" = 50' wide</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.

1. WANT TO BUILD A HOUSE

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): RUBEN RACHECO

Applicant signature: 

Owner Name (print or type): RUBEN RACHECO

Owner signature: 

Date Received 1-24-22 Date Paid 1-24-22 Receipt Number 22-000075

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

Survey



Marshall Street

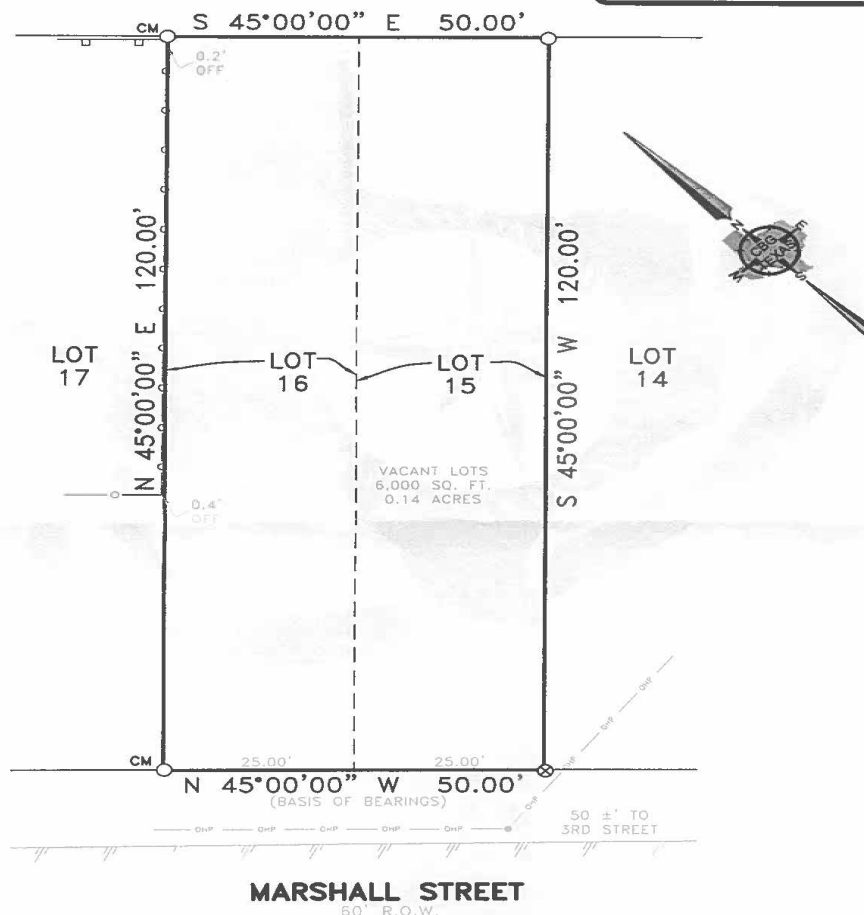
Lots 15 & 16, Block 22, of Cottage Heights Addition to the City of Kaufman, according to the Map or Plat thereof recorded in Volume 127, Page 301, Deed Records of Kaufman County, Texas.



LEGEND

- 1/2" ROD FOUND
 ⊗ 1/2" ROD SET
 ⊗ 1" PIPE FOUND
 ⊗ "X" FOUND/SET
 ⊗ 5/8" ROD FOUND
 ◆ POINT FOR CORNER
 ⊕ FENCE POST FOR CORNER
 CM CONTROLLING MONUMENT
 AC AIR CONDITIONER
 PE POOL EQUIPMENT
 TE TRANSFORMER PAD
 ■ COLUMN
 ● POWER POLE
 ▲ UNDERGROUND ELECTRIC
 △ OVERHEAD ELECTRIC
 —OHP— OVERHEAD ELECTRIC POWER
 —OES— OVERHEAD ELECTRIC SERVICE
 ○ CHAIN LINK
 □ WOOD FENCE 0.5" WIDE TYPICAL
 ▮ IRON FENCE
 × BARBED WIRE
 □ DOUBLE SIDED WOOD FENCE
 // EDGE OF ASPHALT
 ▲ EDGE OF GRAVEL
 CONCRETE
 COVERED AREA
 BRICK
 STONE

10' ALLEY



EXCEPTIONS:

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48257C0310D, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Kaufman County Title and Abstract. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This survey is made for the purpose of making a correct and accurate survey of the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as are indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: HMM/RL

Scale: $1" = 20'$

Date: 04/23/2021

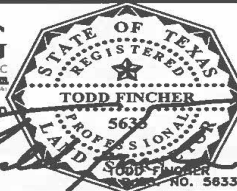
GF No.:
KCT-2202684

Job No. 2107990

Accepted by: _____
PurchaserDate: _____
Purchaser: _____

CBG
SURVEYING TEXAS LLC

419 Century Plaza Dr., Ste. 210
Houston, TX 77073
P 281.443.9288
F 281.443.9224
Firm No. 10194280
www.cbattllc.com



Property Owner Notification Responses

AGENDA
ZONING BOARD of ADJUSTMENT MEETING
THURSDAY, DECEMBER 9, 2021 – 6:00 PM
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: 976 451 4623
PASSWORD: 764322

CHAIRMAN
VICE CHAIRMAN
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER

JOHN ELZNER
JIMMY REED
KATHY BURT
DAVID HUNT
CLAYTON KELLY

Please stand for the 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.

Chairman Elzner called this meeting to order at 6:01 p.m. Thursday, December 9, 2021. Board Members present are Vice-Chairman Jimmy Reed, Board Member David Hunt, and Board Member Clayton Kelly. The following City of Kaufman staff members present are Director of Development Services Marcy Ratcliff, Building Official Todd White, Planning Technician Joy Henderson and Administration Assistant Myra Manriquez.

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 BOA Chairman.

PUBLIC HEARING ITEM:

- 1. CONDUCT A PUBLIC HEARING AND CONSIDER A REQUEST FROM CEDRIC TATUM, REPRESENTING GARY DIPPREY, FOR A VARIANCE TO CHAPTER 118, "ZONING" OF THE CODE OF ORDINANCES, SECTION 17.4.A.1 FOR THE LOT SQUARE FOOTAGE, 17.4.A.2 FOR THE LOT WIDTH, AND 17.4.A.3 FOR THE LOT DEPTH. 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 202 WYKAGYL STREET (PID 27892), BEING A PORTION OF BLOCK 8 OF THE JOHNSON ADDITION. (V-04-21).**

Chairman Elzner opened the Public Hearing at 6:04 pm. Marcy Ratcliff presented the Commissioners with a report on this item.

Anyone in the audience that would like to speak on this agenda item?

Commissioner Clayton asked if there was a water meter on the property. Commissioner Reed mentioned that there use to be a garage on the property and asked if any properties around would be interested in purchasing the lot. Commissioner Clayton asked Cedric Tatum what the land owner was going to do with the property. Cedric Tatum responded that he was there to build a house.

Bobby Rich, 201 Wykagyl St, Kaufman, Tx 75142, addressed the commissioner with the concern about parking on the street. The street is not ment for cars parking on the street. There would be major disturbances and traffic to the area.

Chairman Elzner closed the public hearing at 6:24 p.m.

No discussion from the Board Members

Board Members found no hardship. Variance is denied for lack of motion.

- 2. CONDUCT A PUBLIC HEARING AND CONSIDER A REQUEST FROM DANIEL CARLOS, FOR A VARIANCE TO CHAPTER 118, "ZONING" OF THE CODE OF ORDINANCES, SECTION 15.4.B.2 FOR THE SIDE YARD SETBACK ON A KEY LOT. THE OWNER IS REQUESTING A VARIANCE TO ALLOW A HOUSE TO BE BUILT ON THE LOT. THE PROPERTY IS ZONED SINGLE FAMILY RESIDENTIAL - 10 (SF-10). THE SUBJECT PROPERTY IS LOCATED AT 1006 SOUTH JEFFERSON STREET (PID 24953), BEING A PORTION OF BLOCK 8 OF THE GRUBB ADDITION AND PART OF BLOCK 37 OF SNOWS 1ST ADDITION (V-05-21).**

Chairman Elzner opened the public hearing at 6:34 pm. Marcy Ratcliff presented the Commissioners with a report on this item.

Zoning Board Of Adjustment
December 9, 2021
Page 2 of 4

No audience members spoke on this item.

Chairman Elzner closed the Public Hearing at 6:44 p.m.

No discussion from the Board Members.

Board Member Hunt made a motion to approve the hardship which is undeveloped "key lot" with two 35 foot front yard setbacks is limited by the existing lot width of 100 feet. Additional land area is not available to increase the lot width, because the surrounding lots are currently developed and occupied with single-family residences. The motion was seconded by Board Member Kelly. The motion carries by a vote of 3 -0.

Since a motion has been approved for a hardship, does any members want to make a motion on this item?

Board Member Hunt made a motion to approve the variance to Chapter 118, "Zoning" of the code of ordinances, Section 15.4.B for the side yard setback on a key lot.

The motion was seconded by Board Member Kelly.

The motion carries by a vote of 3 -0.

CONSENT AGENDA

3. CONSIDER AND ACT UPON APPROVAL OF THE ZONING BOARD OF ADJUSTMENT MINUTES FROM THE JULY 27, 2021 REGULAR MEETING.

Commissioner Kelly made a motion to approve the July 27, 2021 Regular Meeting minutes. The motion was seconded by Commissioner Hunt and passes 3-0

ADJOURNMENT

Commissioner Kelly made a motion to adjourn at 6:46 pm. The motion was seconded by Commissioner Hunt and passes 3-0.

JOHN ELZNER
CHAIRMAN

MYRA MANRIQUEZ
ADMINISTRATIVE ASSISTANT