



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
THURSDAY, AUGUST 25, 2022 - 6:00 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**

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 Dwayne Brown, representing property owner Common Ground Construction LLC, for variances 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 front yard setback, Section 17.4.C regarding lot coverage. The applicant is requesting the above 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 1107 East 1st North Street (PID 28672), being a portion of Block 326 of the Kaufman Revised Addition. (Case No. V-04-22)
 - a. Open Public Hearing (Chairman states time)
 - b. Close Public Hearing (Chairman states time)

- c. Board Discussion
- d. Take action on request

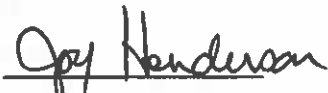
2. Conduct a public hearing and consider a request from Jose Urbina, representing property owner Jose Carrillo, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.3 regarding lot depth. The applicant is requesting a variance to allow a house to be built on the lot. The property is zoned Single Family Residential – 6 (SF-6). The subject property is located at 406 West 10th Street (PID 36690), being part of Block 174 of the Snow Second Addition. (Case No.V-05-22)
 - a. Open Public Hearing (Chairman states time)
 - b. Close Public Hearing (Chairman states time)
 - c. Board Discussion
 - d. Take action on request

CONSENT AGENDA

3. Consider and act upon approval of the Zoning Board of Adjustment minutes from the February 15, 2022 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 MONDAY, AUGUST 22, 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 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.



Public Hearing Item #1
Case V-04-22

Zoning Board of Adjustment Public Hearing:

August 25, 2022

Applicant/Owner:

Dwayne Brown

Location:

1107 East 1st North Street
Part of Block 326 of the Kaufman Revised Addition
City of Kaufman, Kaufman County, Texas (PID 28672)

BACKGROUND:

The property located in the Kaufman Revised Addition is zoned Single-Family Residential-6 ("SF-6") and is currently a non-conforming undeveloped lot. There has not been any previous structures on this lot and the current owner would like to build a house.

The existing lot contains 3,375 square feet and is 45 feet wide and 75 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 front yard and rear yard setbacks are 25 feet each. 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 or vacant lots owned by other people and not available for acquisition.

The applicant found a two-story 1,464 sq. ft. house plan with the required one-car garage that met all the required front and side yard setbacks and the minimum house size, with the exception of the rear yard set back. 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 15 feet, which will leave a 10 foot back yard. There will be a concrete patio located at the back yard, but it will not be covered or enclosed. With a 10 foot back yard, the property will not be allowed to have a storage building, since they are required to be 10 feet from the house and 3 feet from all property lines.

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 1 car garage. They will have to install a driveway with the full width 16 feet to allow them to park two cars on the property.

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 1107 East 1st North Street (PID 28672).

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

- a. Required - Minimum 6,000 square feet
- b. Requested - a 2,625 square foot variance
- c. If approved - it would allow a minimum lot size of 3,375 square feet

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

- a. Required - Minimum 60 foot width
- b. Requested – 15 foot variance
- c. If approved - it would allow a minimum lot width of 45 feet

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

- a. Required - Minimum 100 foot depth
- b. Requested - 25 foot variance
- c. If approved - it would allow a minimum depth of 75 feet

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

- a. Required - Minimum 25 foot setback
- b. Requested - 15 foot variance
- c. If approved - it would allow a minimum rear yard setback of 10 feet
- d. With the property owners understanding:
 - i. the concrete patio will not be covered or enclosed.
 - ii. No accessory building will be allowed.

UNDUE HARDSHIP FOR VARIANCES AND STAFF RECOMMENDATION:

Staff found an undue hardships exists for requests 1 to 4 since the property is constrained due to its size. Staff notes that the lot size is similar to other developed properties to the east and west. Staff would ordinarily not recommend approval were it not for the property meeting the minimum dwelling area and the front and side yard setbacks, which ensures compatibility with the existing zoning and mitigates impacts to surrounding properties and the streetscape. Staff recommends approval of Case #V-04-22 due to the following circumstances 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 3,375 square feet because 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 45 feet because there is no additional land available to increase the lot width.
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 75 feet because there is no additional land available to increase the lot depth.
4. Staff recommends approval of the hardship for the minimum **rear yard setback** - The existing non-conforming undeveloped lot is limited to a minimum rear yard setback of 10 feet because there is no additional land available to increase the rear yard setback.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 19 property owners within 200' of 1107 East 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: 17

Attachments:

Location Map

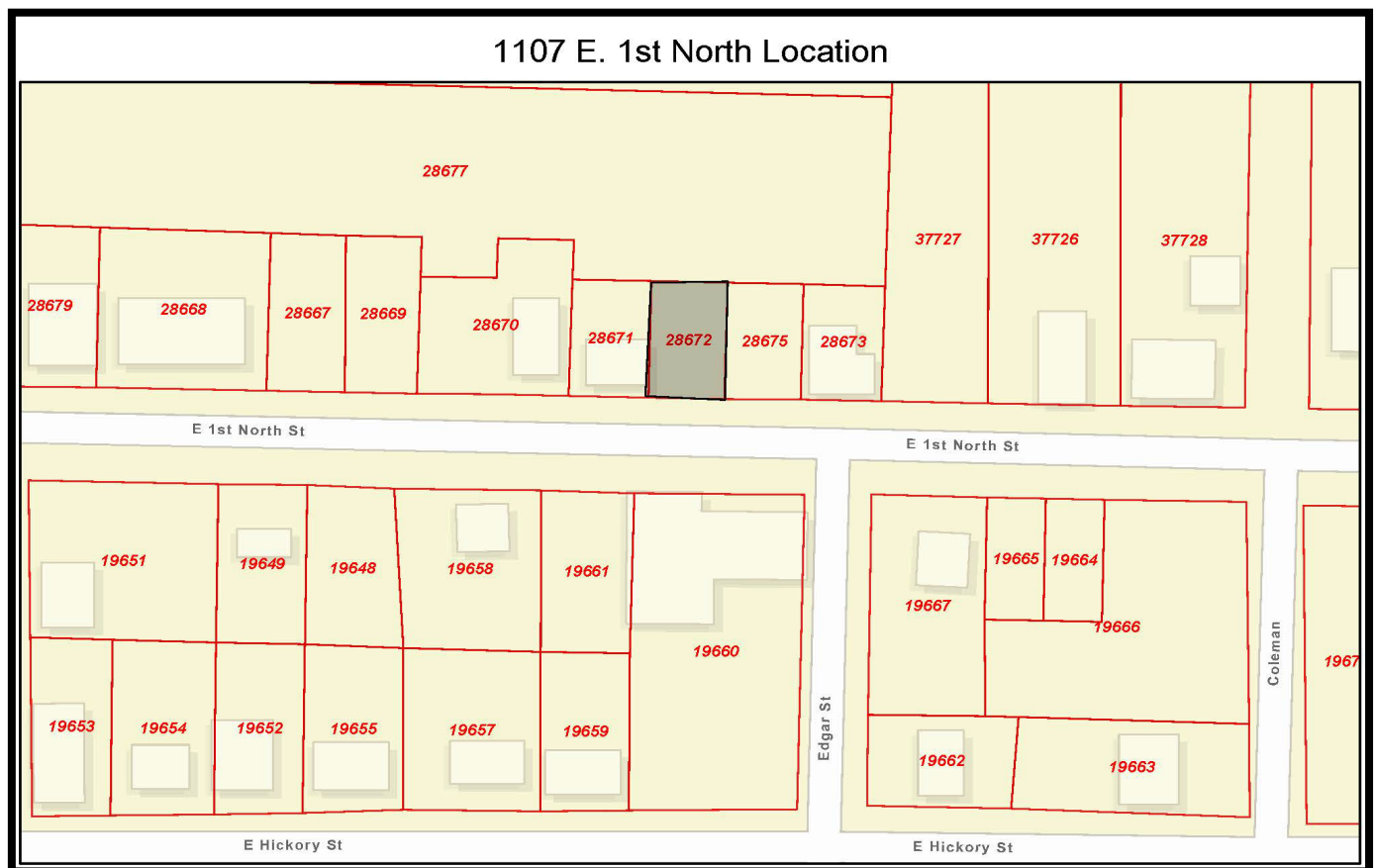
Application

Survey

Site Plan with Foot Print

Property Picture

Property Owner Notification Responses



Application Page 1

Case Number: V- 04-2022



BOARD OF ADJUSTMENT APPLICATION

- Site Location:**
 Street Address: 1107 E 1ST NORTH ST.
 Lot, Block, & Subdivision Name: _____
- Applicant:**
 Name: Dwayne K. Brown
 Address: 806 E. Aimee ST.
 City/State: Forney, TX. Zip: 75126
 Office #: _____ Cell #: 214-808-5693 Fax #: _____
 Email Address: dwaynebrown5635@gmail.com
- Property Owner:**
 Name: Common Ground Construction, LLC
 Address: 806 E. Aimee ST.
 City/State: Forney TX Zip: 75126
 Office #: _____ Cell #: 214-808-5693 Fax #: _____
 Email Address: dwaynebrown5635@gmail.com
- List the requested variances. If necessary, use a separate sheet.**

Section	Required	Variance Amount Needed
Sect. <u>17.4. B.3</u>	<u>25ft Rear Set back</u>	<u>15ft to allow 10ft Rear</u>
Sect. <u>17.4. A.1</u>	<u>6,000 SF Lot area</u>	<u>3375 2425#</u>
Sect. <u>17.4. A.2</u>	<u>60' Lot width</u>	<u>45' 15' width</u>
Sect. <u>17.4. A.3</u>	<u>100' Lot depth</u>	<u>75' 25' width</u>
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.

Lot is 75 feet depth - Front set back is 25 feet and Rear set back is 25 feet only leaving 25 feet deep house that can be build on property. I'm Requesting a 10 FT back yard which would grant me a variance of 15 feet to allow for the proposed structure to be 40 feet 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): Dwayne K. Brown

Applicant signature: Dwayne K. Brown

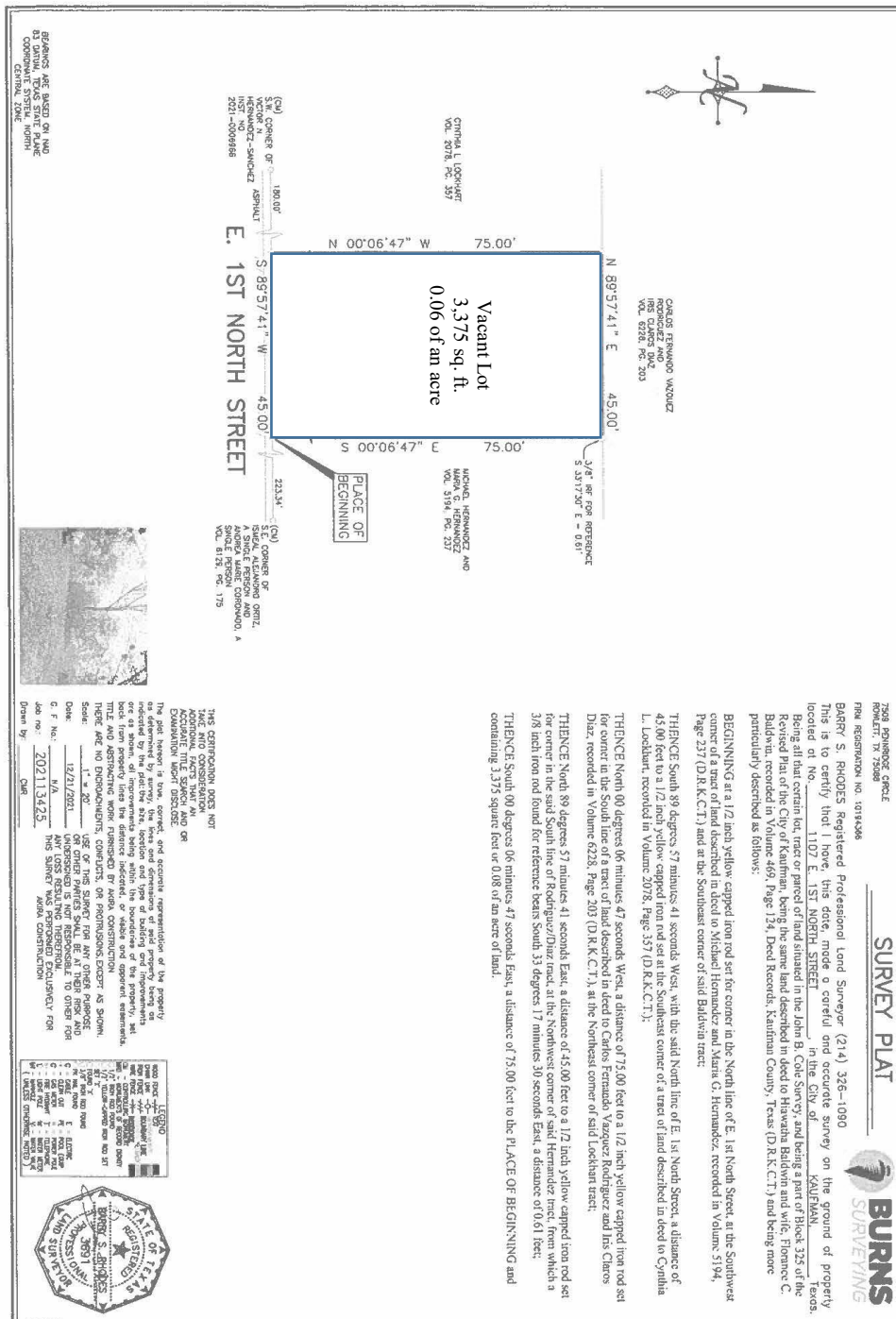
Owner Name (print or type): Dwayne K. Brown

Owner signature: Dwayne K. Brown

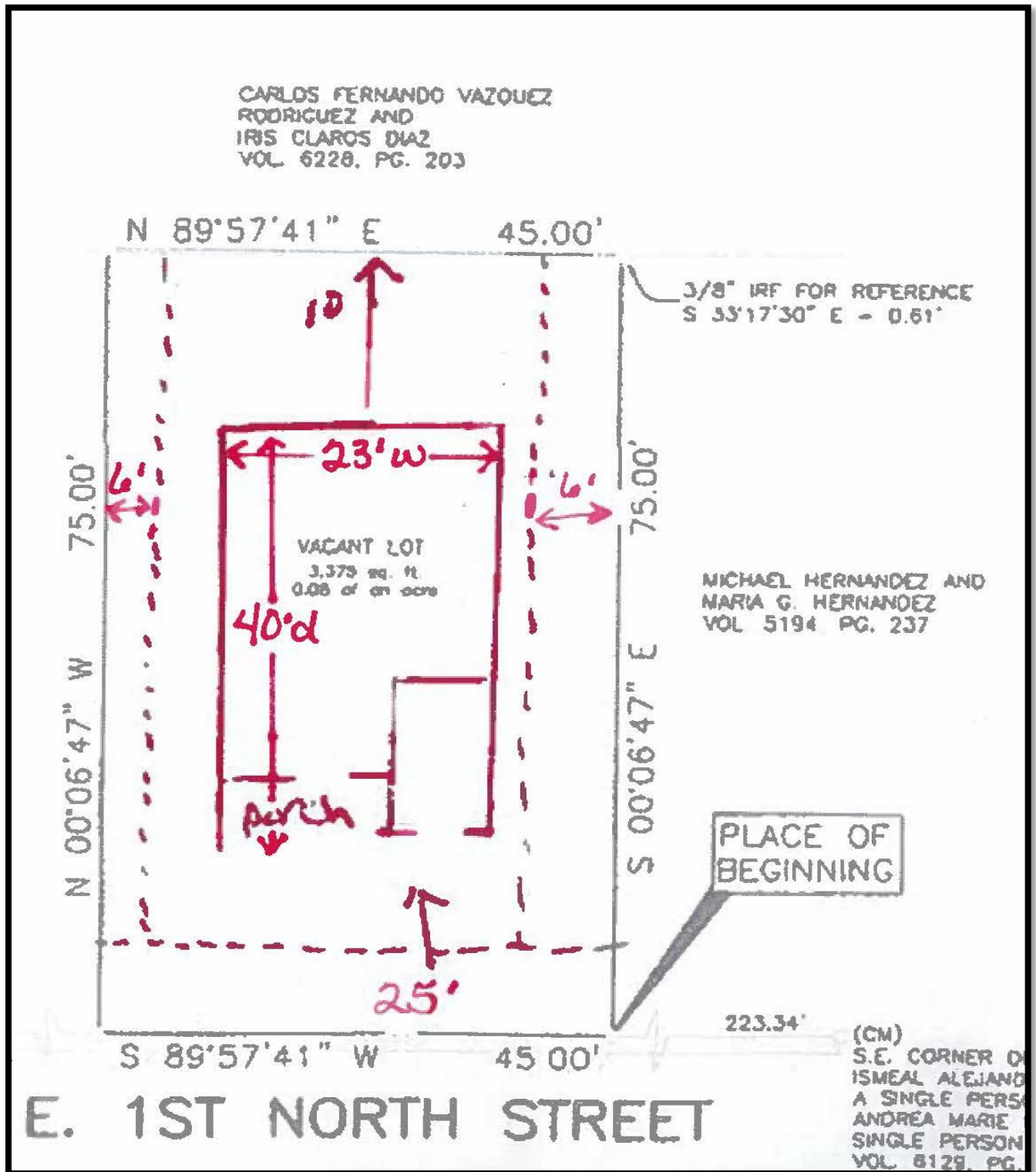
Date Received _____ Date Paid _____ Receipt Number _____

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Survey

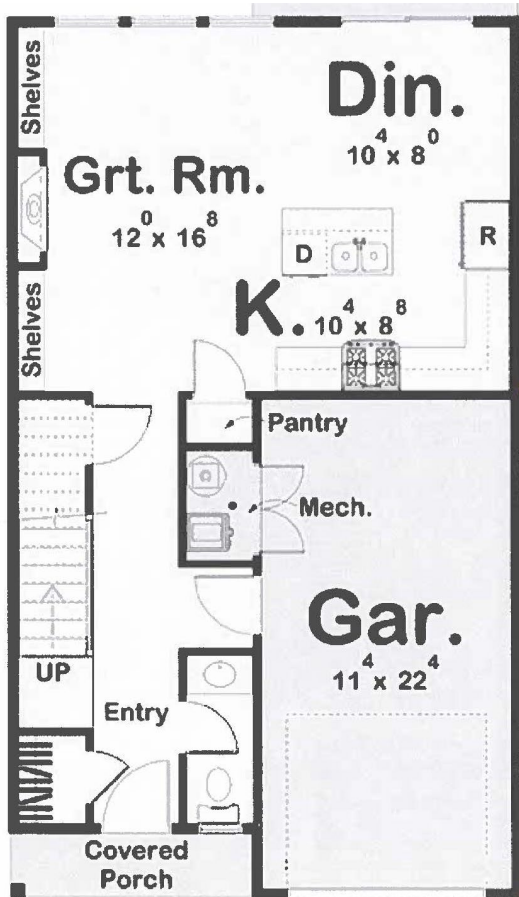


Site Plan with Foot Print of Proposed House

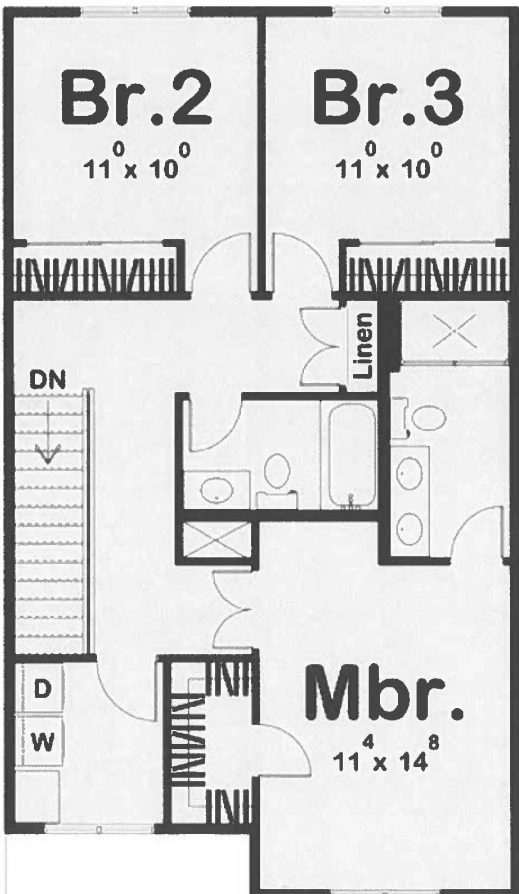


Picture of Property – 1107 East 1st North Street





1st Floor



2nd Floor

Property Owner Notification Responses



Public Hearing Item #2
Case V-05-22

Zoning Board of Adjustment Public Hearing:

August 25, 2022

Applicant/Owner:

Jose Urbina on behalf of Jose Carrillo

Location:

406 W. 10th St.

Part of Block 174 of the Snow Second Addition
City of Kaufman, Kaufman County, Texas (Property ID 36690)

BACKGROUND:

The subject property is located in the Snow Second Addition at the northeast corner of 10th Street and Austin Drive. The property is zoned Single-Family Residential-6 ("SF-6") and is currently a non-conforming undeveloped lot. The existing lot contains 6,557 sq. ft. and is 72.85 feet wide and 90 feet deep. The lot exceeds the minimum lot size (6,000 sq. ft.) and minimum lot width (60 feet) requirements for the "SF-6" zoning district, but does not meet the minimum lot depth requirement 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 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 a one-car garage (as allowed in subdivisions platted before 2002). The applicant has provided a survey, plot plan, floor plan and elevations, and photos of the property. The proposed house will have a living area of 1,328 sq. ft., exceeding the minimum requirement of 1,200 sq. ft. The house will also include a 254 sq. ft. attached one-car garage and a 38 sq. ft. porch.

The proposed house will meet the required 25' front yard, 25' rear yard, and 6' interior side yard setbacks. With a proposed exterior side yard setback of 24'-8", the proposed house will fall 4 inches short of meeting the exterior side yard setback required for lots that back up to the side yard of another lot (known as key lots); these lots are required to have the same exterior side yard setback as the front yard.

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 406 W. 10th St. (Property ID 36690).

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

- a. Required - Minimum 100 foot depth
- b. Requested – 10 foot variance
- c. If approved - it would allow a minimum lot depth of 90 feet

2. **Section 40.3 – Exterior side yard setback for “key lots” (side yard setback adjacent to the street for corner lots that back up to the side yard of another lot)**
 - a. Required - Minimum 25 foot setback
 - b. Requested – 4 inch variance
 - c. If approved - it would allow a minimum exterior side yard setback of 24’-8”

UNDUE HARDSHIP FOR VARIANCES AND STAFF RECOMMENDATION:

Staff found undue hardships exist due to the existing site constraints with developed lots existing on either side of the property and the property being a “key lot”, or a corner lot that backs up to the side yard of another lot. Staff recommends approval of Case #V-05-22 due to the following circumstances existing on the subject property:

1. 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 90 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 depth.
2. Staff recommends approval of the hardship for the minimum **exterior side yard setback** for “key lots” – The existing non-conforming undeveloped lot is constrained due to the being a “key lot”, or a corner lot that backs up to the side yard of another lot. It is also noted that the existing house to the north does not meet the front yard setback.

PROPERTY OWNER RESPONSES:

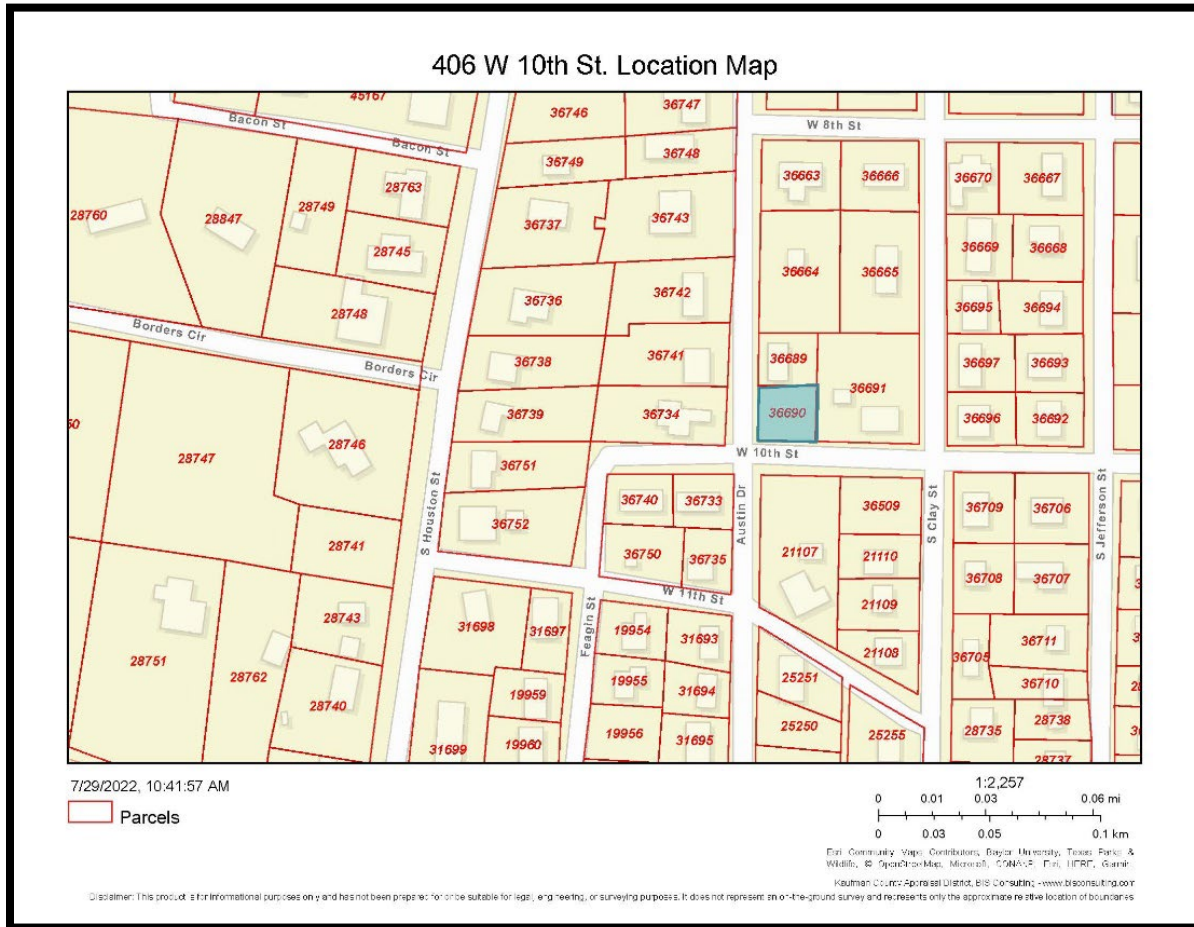
The City of Kaufman mailed out notification letters to 14 property owners within 200’ of 406 W. 10th St. The results are as follows:

- Property owners returned letters in opposition of the request: 1
- Property owners returned the letter in agreement of the request: 0
- Property owners who have not responded: 13

Attachments:

Location Map
Application
Survey
Plot Plan
Floor Plan & Elevations
Photos
Property Owner Notification Responses

Location Map



Case Number: V- 05-22



BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: 406 W. 10th street Kaufman tx 75142
 Lot, Block, & Subdivision Name: Part of block N-174 snows second Addition.

2. **Applicant:**
 Name: Jose Saul Vibina
 Address: 12187 Briar-grove Ln
 City/State: Forney tx Zip: 75126
 Office #: _____ Cell #: 214-815-6108 Fax #: _____
 Email Address: jdframing79@gmail.com

3. **Property Owner:**
 Name: Jose Antonio Carrillo
 Address: 1800 Melody Cir Kaufman
 City/State: Kaufman Zip: tx
 Office #: _____ Cell #: 469-595-5477 Fax #: _____
 Email Address: bSandov_10@yahoo.com

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

Section	Required	Variance Amount Needed
Sect.		90' deep need 100'
Sect.		
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.

the land is 90' deep and what's allowed is 100' but
the house we want build meets the necessary
requirements for the city.

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.

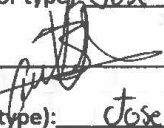
B. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. 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): Jose Saul Urbina

Applicant signature: 

Owner Name (print or type): Jose Antonio Carrillo

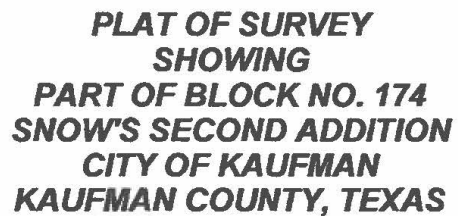
Owner signature: Jose A. Carrillo

Date Received _____ Date Paid _____ Receipt Number _____

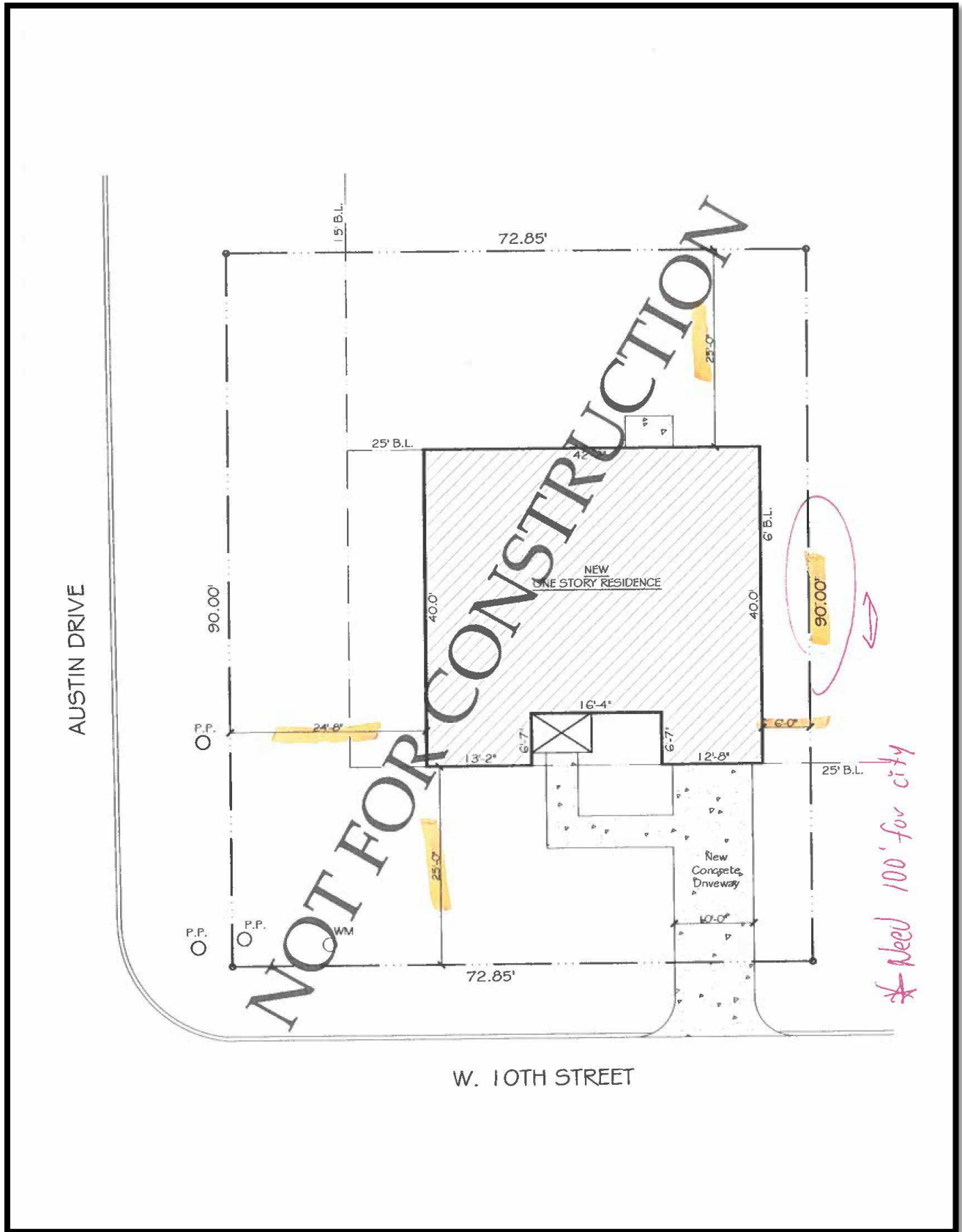
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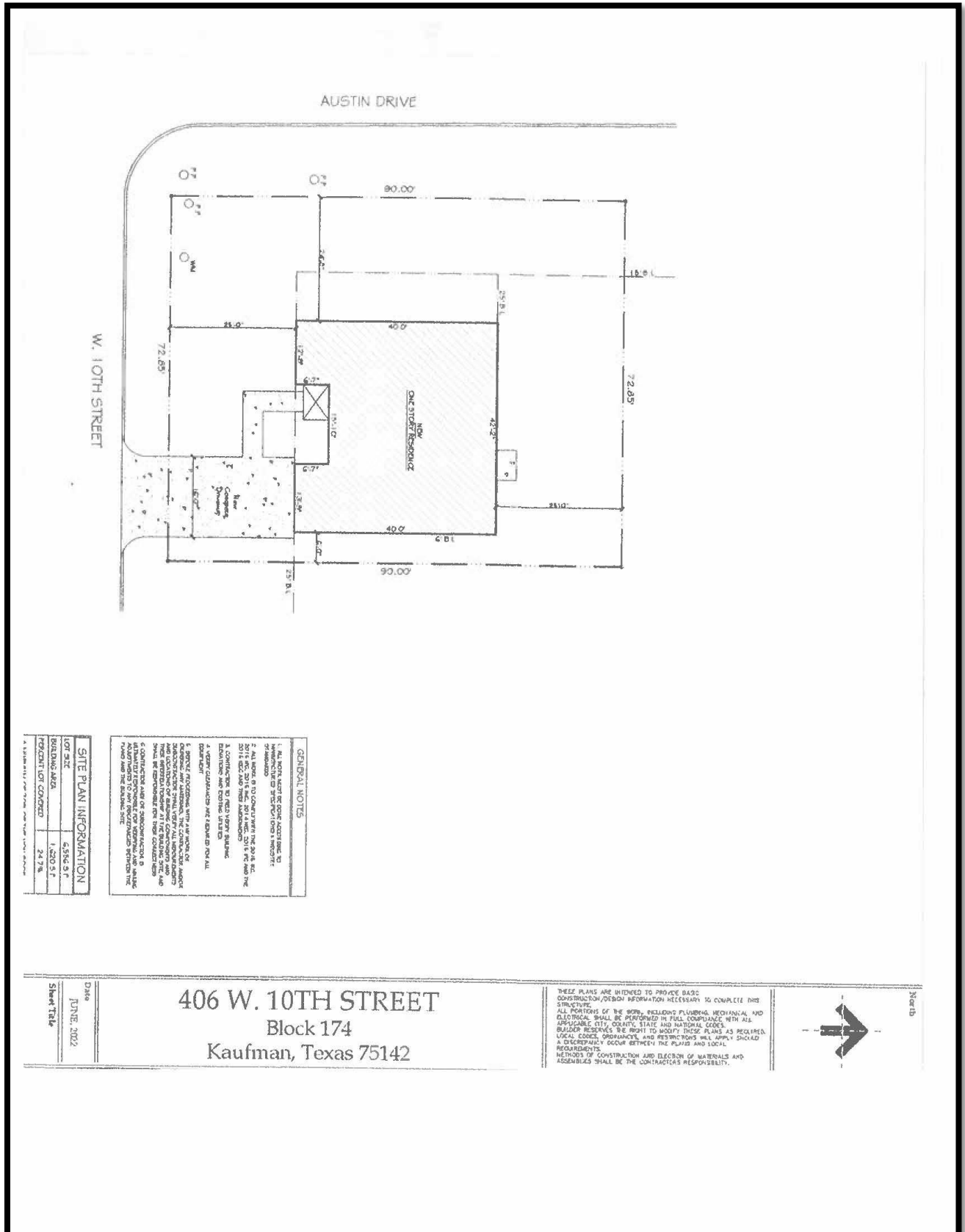
Survey



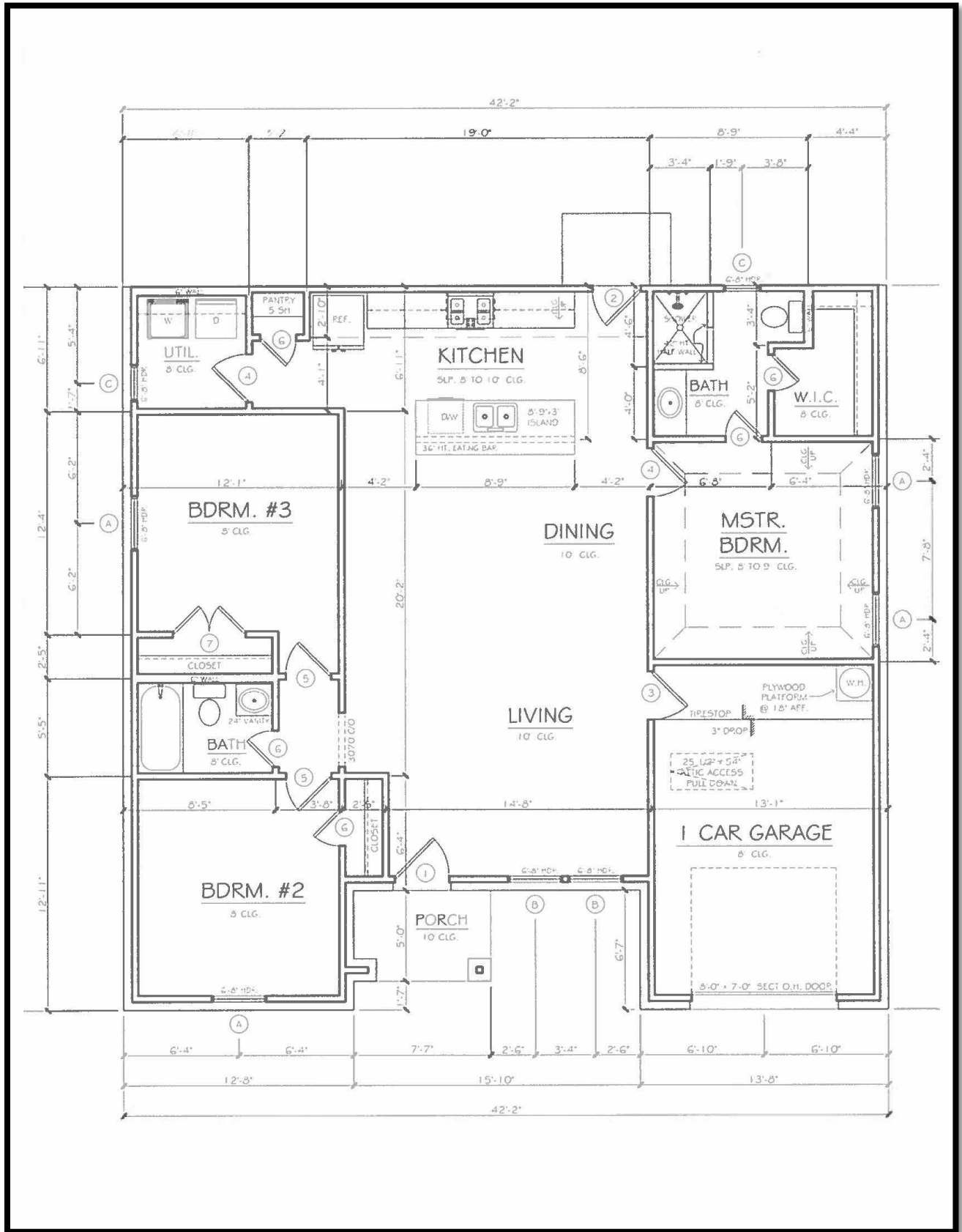
Plot Plan



Plot Plan – Driveway for 2 Cars



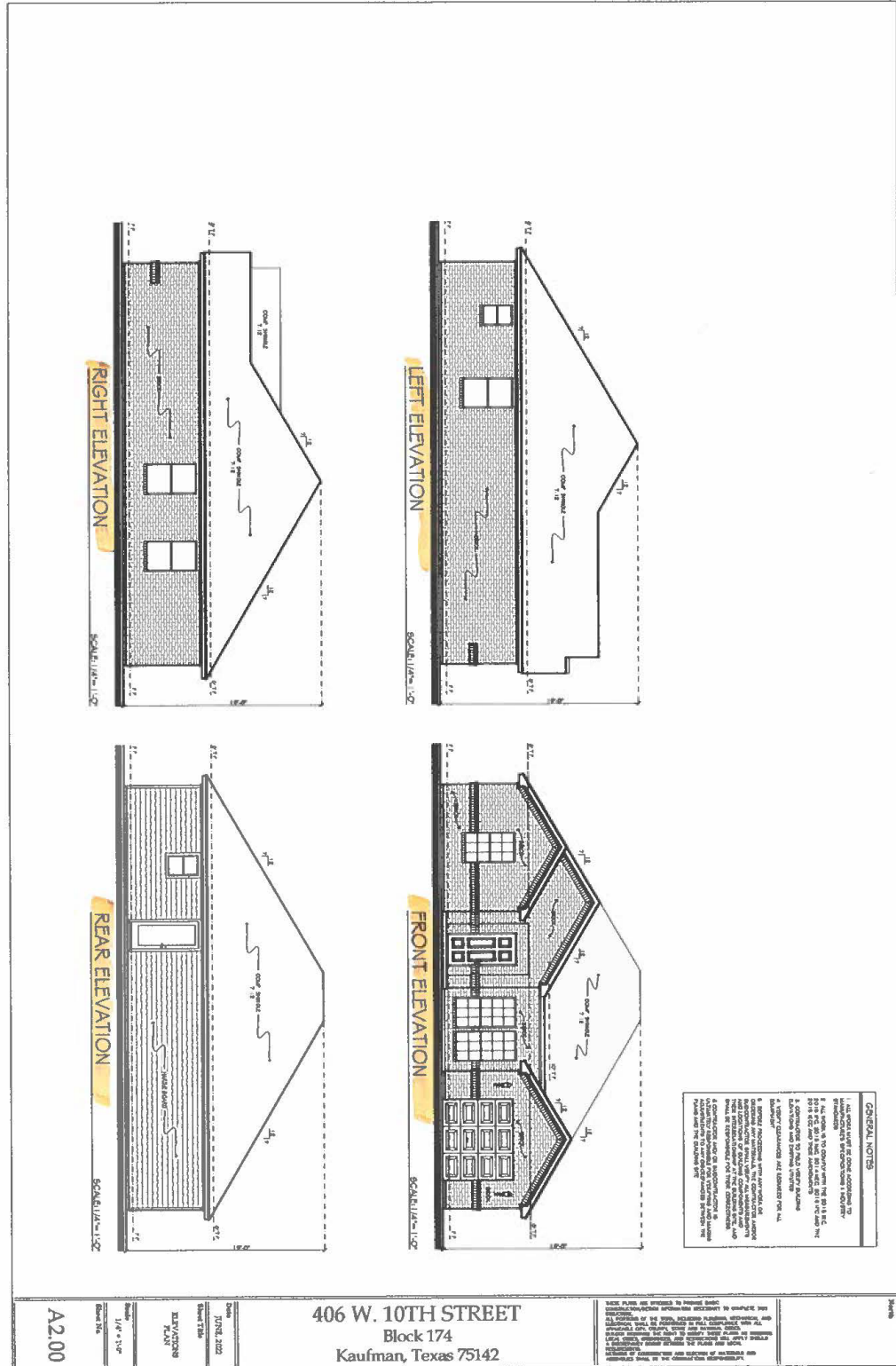
Floor Plan



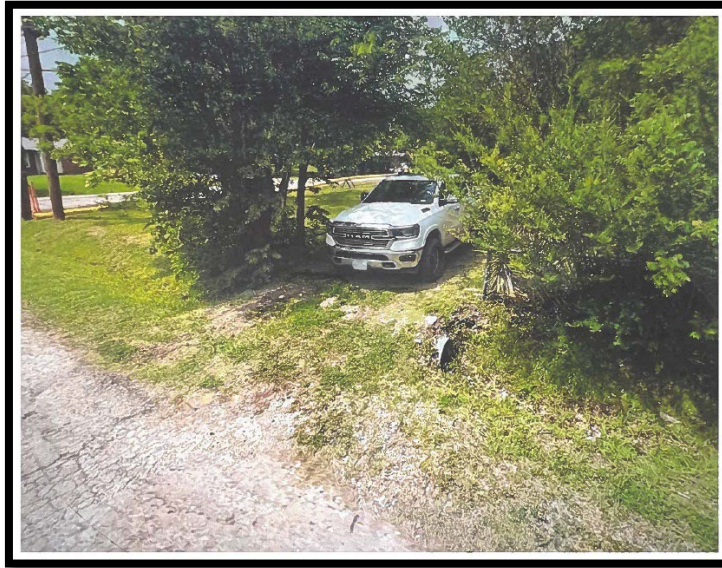
Floor Plan Details

SQUARE FOOTAGE	
LIVING AREA	1,328 S.F.
GARAGE <i>1 car garage.</i>	254 S.F.
PORCH	38 S.F.
TOTAL UNDER ROOF	1,620 S.F.
OVERALL WIDTH	42'-2"
OVERALL DEPTH	40'-0"

Elevations



Photos



Any written comments must be received by **Friday, August 19, 2022** 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 abogda@kaufmantx.org

Date: 8-18-2022
Name: Debra Harris
Address: 400 West 10th

City & State: Kaufman Texas
Phone # 972-5635912

COMMENTS: Lot not large enough for horse
Alice Jane Harris Alice Jane Harris
 NAME PRINTED SIGNATURE

RE Conduct a public hearing and consider a request from Jose Urbina, representing property owner Jose Carrillo, for a variance to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 17.4.A.3 regarding lot depth. The applicant 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 406 West 10th Street (PID 36690), being part of Block 174 of the Snow Second Addition. (Case No.V-05-22)

☐ I AM IN FAVOR

☒ 1 OBJECT



MINUTES
TUESDAY, FEBURARY 15, 2022
ZONING BOARD OF ADJUSTMENTS TRAINING – 5:30 PM
ZONING BOARD OF ADJUSTMENTS MEETING – 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

**The Regular 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**

ZONING BOARD OF ADJUSTMENTS TRAINING FROM 5:30 PM TO 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”.

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 7:00 p.m. Tuesday, February 15, 2022. Board Members present were Vice-Chairman Jimmy Reed, Board Member Kathy Burt, Board Member David Hunt, Board Member Clayton Kelly, and Board Member Patrick Thorpe. Planning Technician Joy Henderson, Myra Manriquez, Attorney Patricia Adams were present. Present in the audience were Bobby & Cindy Rich, Mike Medley, Ruben Pacheco, Carman Epinazo, Robert Kodingar and Gerson Andrade. Emily McGregore was present with Zoom.

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.

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 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

PUBLIC HEARINGS

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. The Public Hearing was opened at 7:04 pm.
- b. Joy Henderson, Planning Technician of Development Services, stated 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 setback for a concrete 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 concrete 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. Since two of the properties have access to Ed Hall Drive, there is currently only house that uses Wykagyl for access. This will be the second house to use it for access.

Mike Medley stated this variance does have the same the requests as the former application, with an additional variance request. The back yard setback was added for the covered patio which was added for the convenience of the new owners. The property will be landscaped. The patio area can be revised with a deck that is not attached to the house. The proposed house will be adding 2 enclosed parking spaces, plus 2 additional spaces in the driveway.

Bobby Rich stated this same Board stated there was not a hardship to approve these same variances that were previously denied at the December 9th meeting. The property owner had the ability to appeal the decision, but chose not to. Nothing has changed and he can go back and reiterate why he opposes the requests. His position is that the circumstances have not changed and there will still be a problem with the parking and the substandard road going to the property. He does not know the width of the street but part of it is gravel and part of it is base. The houses in this neighborhood are older homes, and there is not a cul-de-sac for traffic to turn around.

Emily McGregore, state she lived at the property before the house was tore down. There are not people driving down Wykagyl randomly, unless they are going to one of the houses on that street. There wasn't a meeting in January, but the meeting in December did not find any hardships, which denied the variance requests.

Attorney Patricia Adams stated the ordinance does not have a time frame on when a person can reapply for variances. At the time of platting, which was approved, the city deemed Wykagyl met the minimum requirements of the city ordinances.

Vice-Chairman Reed asked how does the road impact placing another in that neighborhood?

Board Member Kelly asked if there is an alternate plan for the patio area if the variance is not granted?

Board Member Hunt asked if Mr. Rich if he know the width of the existing street.

c. The Public Hearing was closed at 7:24 p.m.

d. Board Discussion

Attorney Patricia Adams stated there are four variances that will need to be addressed. As a Board, you will be looking at special conditions or what is unique to this property that may be different from the other properties that meet the minimum standards. You can't deprive the owner from use of their land or it is considered a taking. Is the variance for necessary for use of his property and would it be detrimental to surrounding properties?

e. Board Member Kelly made a motion to approve the hardship for the minimum lot size, minimum lot width, and minimum lot depth since there is no additional land available to increase the size of the lot, but deny the request for the rear yard setback. The motion was seconded by Board Member Burt. Vice-Chairman Reed called for a vote with all voting AYE, the motion carried by a vote of 5-0.

f. Board Member Kelly made a motion to approve the following variances:

- Section 17.4.A.1 – Minimum lot size - 6,000 square feet for a 785 square foot variance for a minimum lot size of 5,215 square feet.
- Section 17.4.A.2 – Minimum lot width - 60 foot width for a 1 foot variance for a minimum lot width of 59 feet.
- Section 17.4.A.3 – Minimum lot depth - 100 foot depth for a 12 foot variance for minimum depth of 88 feet.

The motion was seconded by Board Member Burt. Vice-Chairman Reed called for a vote with all voting AYE, the motion carried by a vote of 5-0.

g. Board Member Hunt made a motion to deny the following variances:

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

The motion was seconded by Board Member Burt. Vice-Chairman Reed called for a vote with all voting AYE, the motion carried by a vote of 5-0.

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. The Public Hearing was opened at 7:34 pm.

b. Joy Henderson, Planning Technician of Development Services, stated 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.

Gerson Andrade stated he is wanting to make the two lots into one so he can build a house.

c. The Public Hearing was closed at 7:37 p.m.

d. Board Discussion - None

- e. Board Member Hunt made a motion to approve the hardship for the minimum lot width since there is no additional land available to increase the size of the lot. The motion was seconded by Board Member Kelly. Vice-Chairman Reed called for a vote with all voting AYE, the motion carried by a vote of 5-0.
 - f. Board Member Kelly made a motion to approve the variance for Section 17.4.A,2 – Minimum lot width - 60 foot width for a 10 foot variance for a minimum lot width of 50 feet. The motion was seconded by Board Member Hunt. Vice-Chairman Reed called for a vote with all voting AYE, the motion carried by a vote of 5-0.
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 in the 1711 Marshall Street (PID 20992), being Lot 15 and 16, Block 22 of the Cottage Heights Addition. (Case No.V-03-22)
- a. The Public Hearing was opened at 7:40 pm.
 - b. Joy Henderson, Planning Technician of Development Services, stated 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.

Ruben Pacheco stated that he is excited to build a new home on the lot.
 - c. The Public Hearing was closed at 7:41 p.m.
 - d. Board Discussion - None
 - e. Board Member Hunt made a motion to approve the hardship for the minimum lot width since there is no additional land available to increase the size of the lot. The motion was seconded by Board Member Burt. Vice-Chairman Reed called for a vote with all voting AYE, the motion carried by a vote of 5-0.
 - f. Board Member Kelly made a motion to approve the variance for Section 17.4.A,2 – Minimum lot width - 60 foot width for a 10 foot variance for a minimum lot width

of 50 feet. The motion was seconded by Board Member Hunt. Vice-Chairman Reed called for a vote with all voting AYE, the motion carried by a vote of 5-0.

CONSENT AGENDA

4. Consider and act upon approval of the Zoning Board of Adjustment minutes from the December 9, 2021 Regular Meeting.

Board Member Kelly made a motion to approve the Zoning Board of Adjustment Minutes from the December 9, 2021 Regular Meeting. The motion was seconded by Board Member Burt. Vice-Chairman Reed called for a vote with all voting AYE. The motion carried by a vote of 5 -0.

ADJOURNMENT

Board Member Kelly made a motion to adjourn at 7:42 p.m., seconded by Board Member Burt. Vice-Chairman Reed called for a vote with all voting AYE, the motion carried by a vote of 5 -0.

JIMMY REED
VICE-CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN