



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, OCTOBER 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**

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 Jose Juarez 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.B.2 regarding side yard setback, Section 17.4.B.3 regarding rear yard setback, and 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 in the 1500 block of Dellis Street (PID 20970), being Lot 10 of Block 20 of the Cottage Heights Addition. (Case No. V-06-22)
 - a. Open Public Hearing (Chairman states time)
 - b. Close Public Hearing (Chairman states time)
 - c. Board Discussion
 - d. Take action on request

CONSENT AGENDA

2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the August 25, 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 FRIDAY, OCTOBER 21, 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-06-22

Zoning Board of Adjustment Public Hearing:

October 25, 2022

Applicant/Owner:

Jose Juarez

Location:

1500 Block of Dellis Street
Lot 10, Block 20 of the Cottage Heights Addition
City of Kaufman, Kaufman County, Texas (PID 20970)

BACKGROUND:

The subject property comprises Lot 10 of Block 20 of the Cottage Heights Addition and is zoned Single-Family Residential-6 ("SF-6"). The property is a legal lot of record, but is non-conforming. The current owner is seeking to build a house on the property.

The existing lot contains 3,000 square feet and is 25 feet wide and 120 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, while the minimum side yard setback is 6 feet on each side. There is not additional property available to increase the lot size and width. The surrounding lots are either 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 1,280 sq. ft. house plan with an attached 300 sq. ft. carport, 38 sq. ft. front porch, and 220 sq. ft. terrace that meets the minimum residential floor area and the minimum front yard setback, but is 1 foot short of the required side yard setbacks (5 feet instead of 6 feet) and 3 feet short of the required rear yard setback (22 feet instead of 25 feet). The lot coverage 35.7% whereas the maximum requirement is 35%.

Variances are necessary because the non-conforming lot does not meet the minimum lot size and minimum lot width. In addition, in order to fit the house on the property, the applicant is needing variances to the minimum side yard setback, minimum rear yard setback, and maximum lot coverage. 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 and attached carport, porch, and terrace.

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 located in the 1500 Block of Dellis Street and platted as Lot 10, Block 20 of the Cottage Heights Addition (PID 20970).

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

- a. Required - Minimum 6,000 square feet
- b. Requested - a 3,000 square foot variance

- c. If approved - it would allow a minimum lot size of 3,000 square feet

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

- a. Required - Minimum 60 foot width
- b. Requested – 35 foot variance
- c. If approved - it would allow a minimum lot width of 25 feet

3. Section 17.4.B.2 – Minimum side yard setback

- a. Required - Minimum 6 foot setback
- b. Requested - 1 foot variance
- c. If approved - it would allow a minimum side yard setback of 5 feet

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

- a. Required - Minimum 25 foot setback
- b. Requested - 3 foot variance
- c. If approved - it would allow a minimum rear yard setback of 22 feet

5. Section 17.4.C – Maximum lot coverage

- a. Required – Maximum lot coverage of 35% by main buildings; not to exceed 45% total impervious area including accessory buildings, driveways, and parking areas
- b. Requested – 0.7% variance
- c. If approved - it would allow a maximum lot coverage of 35.7% by main buildings

UNDUE HARDSHIP FOR VARIANCES AND STAFF RECOMMENDATION:

Staff found an undue hardships exists for requests 1 to 5 since the property is constrained due to its size. Staff notes that the lot size is similar to other lots to the east and west and acknowledges that the property is a legally-platted lot that became non-conforming when the current zoning went into effect. Staff would ordinarily not recommend approval were it not for the property being a legally-platted lot and the property meeting the minimum dwelling area requirement, the minimum front yard setback requirement, and coming very close to meeting the side and rear yard setback requirements and the maximum lot coverage requirement, which help to ensure compatibility with the existing zoning and mitigates impacts to surrounding properties and the streetscape. Staff recommends approval of Case #V-06-22 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 3,000 square feet because the lot size cannot be increased due to the adjacent properties not being available for acquisition.
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 25 feet because lot width cannot be increased due to the adjacent properties not being available for acquisition.

3. Staff recommends approval of the hardship for the minimum **side yard setback** - The existing non-conforming undeveloped lot is limited to a minimum side yard setback of 5 feet because there is no additional land available to increase the side yard setback and strictly adhering to the requirement would make the house too narrow, inhibiting its functionality.
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 22 feet because there is no additional land available to increase the rear yard setback and strictly adhering to the requirement would make the house too shallow, inhibiting its functionality and value.
5. Staff recommends approval of the hardship for the **maximum lot coverage** – The existing non-conforming undeveloped lot requires a maximum lot coverage of 35.7% because there is no additional land available to reduce the lot coverage without inhibiting the functionality and value of the house.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 21 property owners within 200' of the subject property. The results are as follows:

- Property owners who returned letters in opposition of the request: 1
- Property owners who returned the letter in agreement of the request: 0
- Property owners who have not responded: 20

Attachments:

Location Map

Application

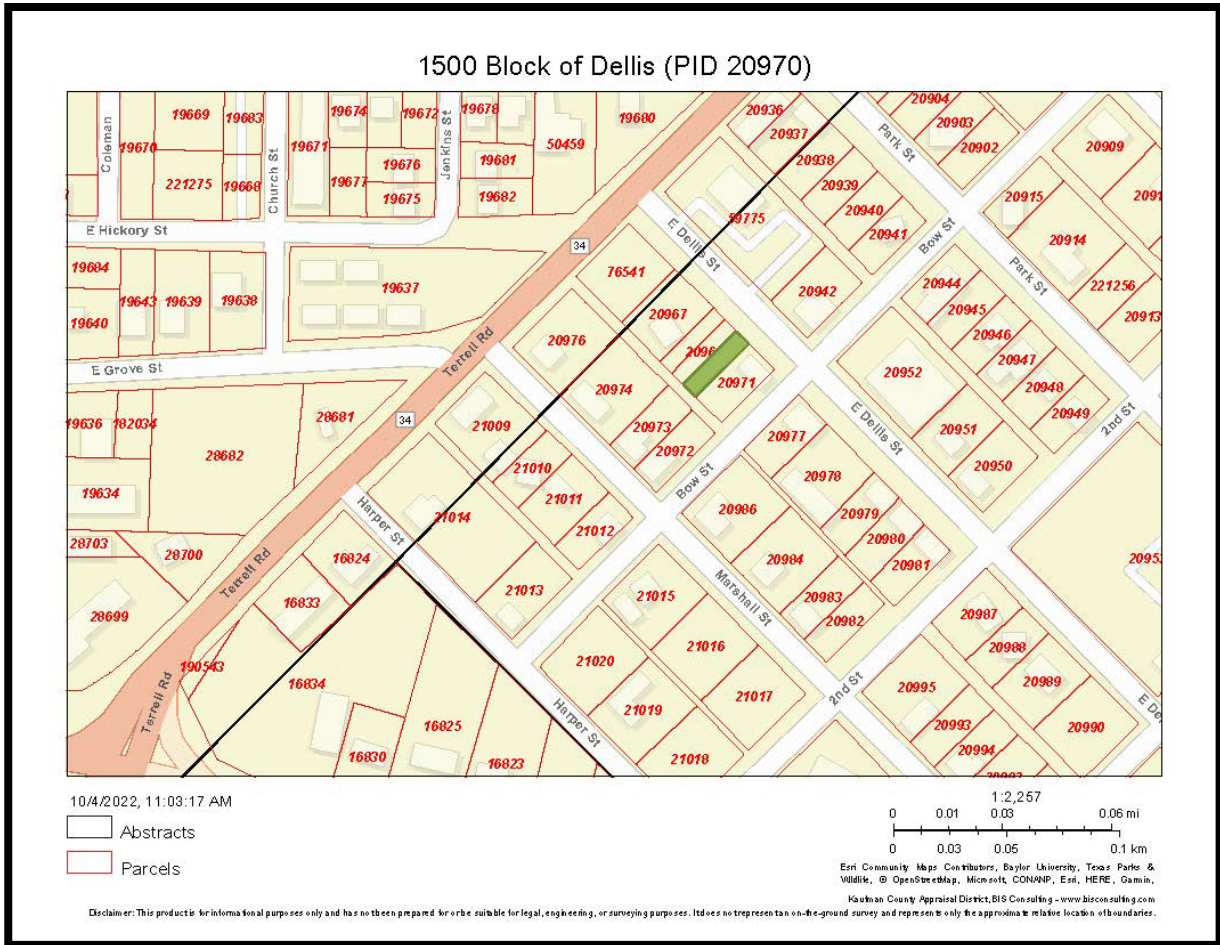
Site Plan

Floor Plan

Elevations

Property Owner Notification Responses

Location Map



Case Number: V- 06-22



BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: Dellis
 Lot, Block, & Subdivision Name: 10 block 20 Cottage heights
2. **Applicant:**
 Name: JOSE M. Juarez
 Address: 650 S. Kealy suit B
 City/State: Lewisville TX Zip: 75057
 Office #: 469-684-8507 Cell #: 972-374-7481 Fax #: _____
 Email Address: Salazary@gmail.com
3. **Property Owner:**
 Name: Same
 Address: _____
 City/State: _____ Zip: _____
 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>Lot Width (60')</u>	<u>25'</u>
Sect. <u>17.4.B.2</u>	<u>Side Yard setback (6')</u>	<u>5'</u>
Sect. <u>17.4.A.1</u>	<u>Lot Area (6,000 sq.ft.)</u>	<u>3,000 sq. ft.</u>
Sect. <u>17.4.A.1</u>	<u>Rear Yard</u>	<u>22'</u>
Sect. <u>17.4.C</u>	<u>Lot Coverage</u>	
Sect.		
Sect.		

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20970

Application Page 2

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

Lot was platted as a 25'-wide lot; owner is unable
to acquire adjacent property

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 M. Suarez

Applicant signature: Jose Martin Suarez

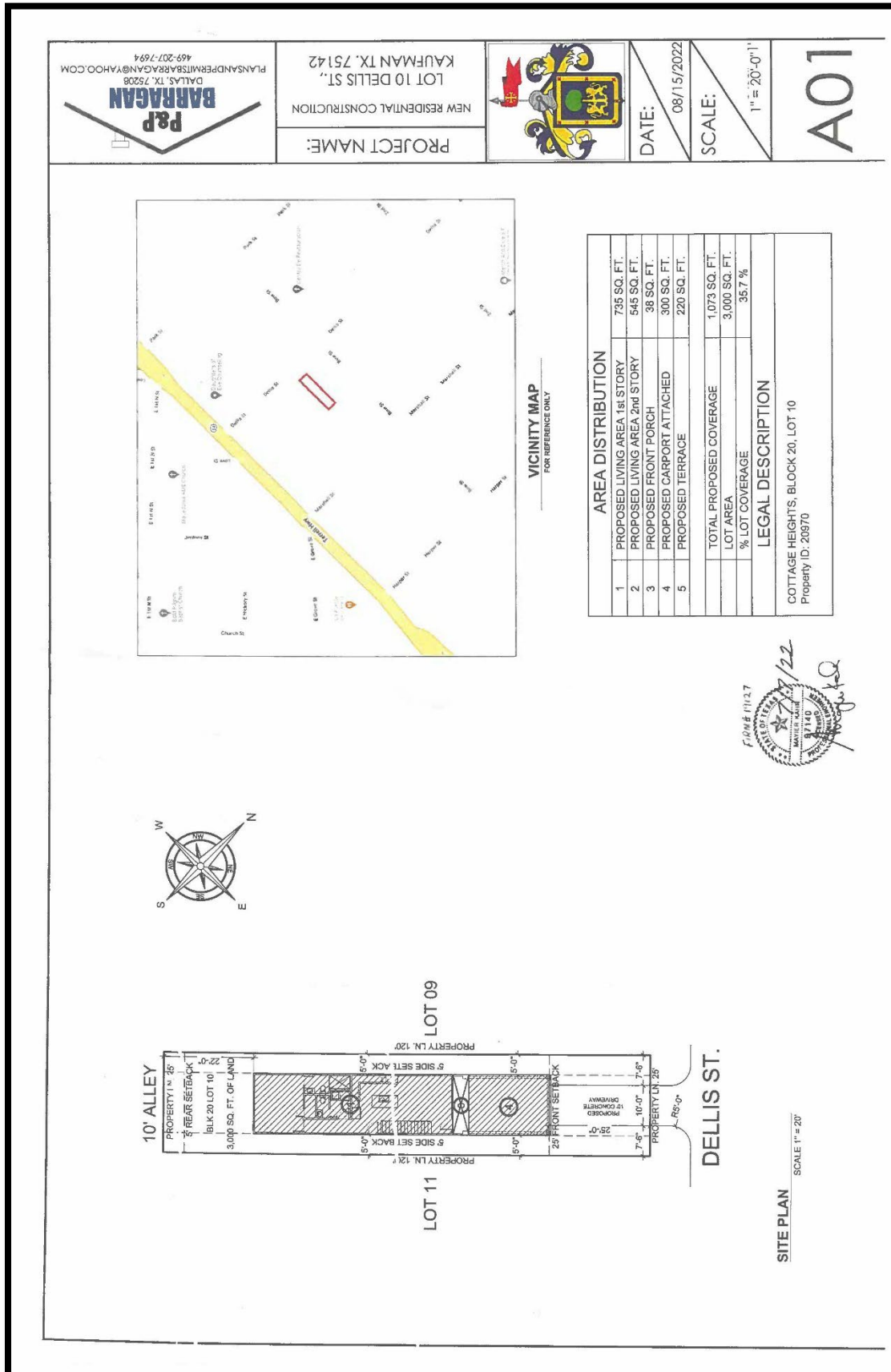
Owner Name (print or type): Same

Owner signature: _____

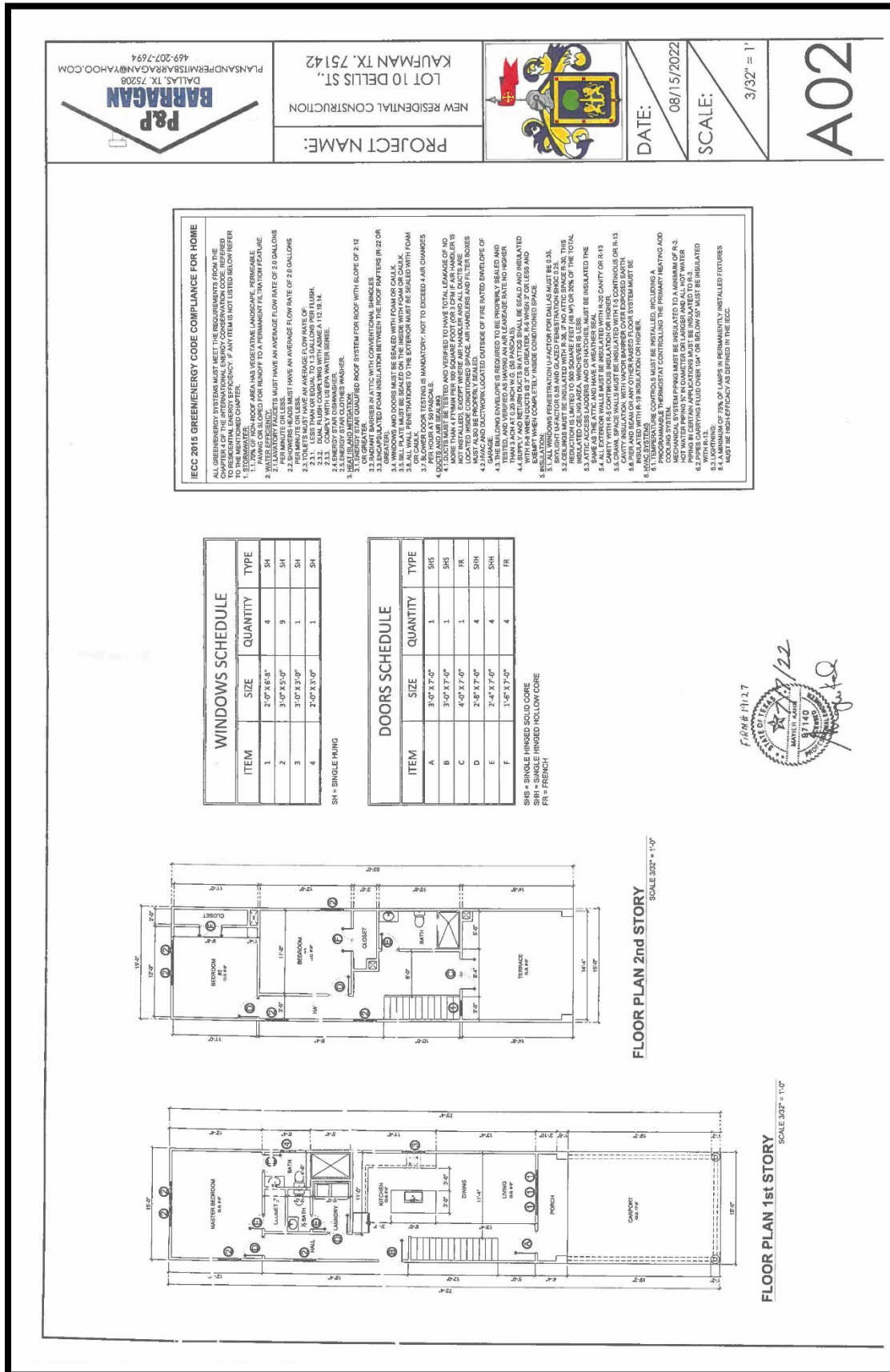
Date Received _____ Date Paid _____ Receipt Number _____

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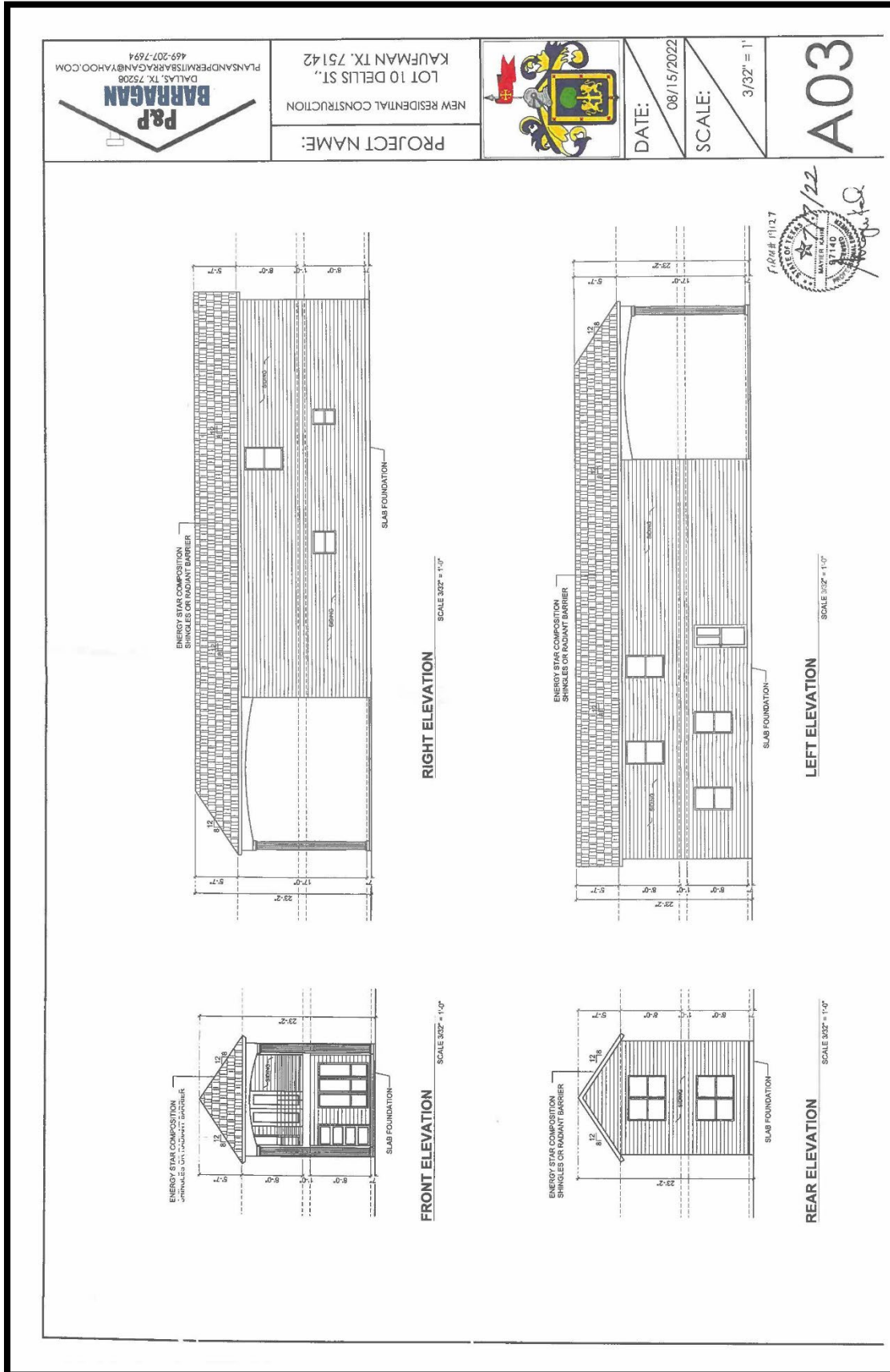
Site Plan



Floor Plan



Elevations



Property Owner Notification Response

Date: 10-8-2022

Name: Roy W Campbell

Address: 1304 R3 Park St

City & State: Kaufman TX

Phone # _____

RE Conduct a public hearing and consider a request from Jose Juarez, 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.B.2 regarding side yard setback, Section 17.4.B.3 regarding rear yard setback, and 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 on Dellis Street (PID 20970), being a portion of the Cottage Heights Addition, Block 20, Lot 10. (Case No. V-06-22)

☐ I AM IN FAVOR

☒ I OBJECT

COMMENTS:

Roy W Campbell NAME PRINTED Roy W Campbell SIGNATURE

209 SOUTH WASHINGTON • KAUFMAN, TEXAS 75142 • (972) 932-2216 • METRO (972) 962-5321 • FAX (972) 932-0307



MINUTES
THURSDAY, AUGUST 25, 2022
ZONING BOARD OF ADJUSTMENTS MEETING – 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

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

Chairman Elzner called the meeting to order at 6:00 p.m. Tuesday, August 25, 2022. Board Members present were Chairman John Elzner, Vice-Chairman Jimmy Reed, Board Member Kathy Burt, Board Member David Hunt, and Board Member Patrick Thorpe. Planning Technician Joy Henderson were present. Present in the audience were Dwayne Brown, AG Whitaker, and James Davis.

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 HEARINGS

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 rear 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. The Public Hearing was opened at 6:03 pm.
 - b. Planning Manager Andrew Bogda presented a report on the variance requests for 1107 East 1st North Street (PID 28672). Details of the case can be found in report V-04-22 dated 08-25-2022.

James Davis state he has three lots and has lived in this area for a long time. This house should be grand fathered in. There is a way to get a two car garage on this lot.

Dwayne Brown stated her was here to answer any questions.

- c. The Public Hearing was closed at 6:12 p.m.
- d. Board Discussion - None
- e. Board Member Hunt made a motion to approve the hardship for the minimum lot size, lot width, lot depth and rear yard setback since there is no additional land available to increase the size of the lot. The motion was seconded by Vice-Chairman Reed. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0.
- f. Board Member Burt made a motion to approve the variance for:
 - 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. Approved - 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. Approved - 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. Approved - 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. Approved - 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.

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

- 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 in the 406 West 10th Street (PID 36690), being part of Block 174 of the Snow Second Addition. (Case No.V-05-22)

- a. The Public Hearing was opened at 6:17 pm.
- b. Planning Manager Andrew Bogda presented a report on the variance requests for 406 West 10th Street (PID 36690). Details of the case can be found in report V-05-22 dated 08-25-2022.
- c. The Public Hearing was closed at 6:23 p.m.
- d. Board Discussion - None
- e. Vice-Chairman Reed made a motion to approve the hardship for the minimum lot lot depth and exterior side yard setback since there is no additional land available to increase the size of the lot. The motion was seconded by Board Member Burt. Chairman Elzner called for a vote with all voting AYE, the motion carried by a vote of 5-0.
- f. Vice-Chairman Reed made a motion to approve the variance for:
 - 1. **Section 17.4.A.3 – Minimum lot depth**
 - a. Required - Minimum 100 foot depth
 - b. Requested - 10 foot variance
 - c. Approved - Minimum 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. Approved - Minimum exterior side yard setback of 24’-8”

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

CONSENT AGENDA

- 3. Consider and act upon approval of the Zoning Board of Adjustment minutes from the February 15, 2022 Regular Meeting.

Board Member Hunt made a motion to approve the Zoning Board of Adjustment Minutes from the February 15, 2022 Regular Meeting. The motion was seconded by Vice-Chairman Reed. Chairman Elzner called for a vote with all voting YES. The motion carried by a vote of 5 -0.

ADJOURNMENT

Board Member Kelly made a motion to adjourn at 6:27 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.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN