



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
THURSDAY, FEBRUARY 9, 2023 - 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142

PLEDGE OF ALLEGIANCE

INVOCATION

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

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the BOA on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the BOA as a whole. **When addressing the BOA, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and BOA.**

PUBLIC HEARING

1. Conduct a public hearing and consider a request from Patrick Devaney, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 38.4.B regarding fences in residential front yards and Section 38.4.C regarding fence height and opening. The applicant is requesting the above variances to allow an 8'-tall privacy fence in the front yard setback. The property is zoned Single Family Residential - 8 (SF-8). The subject property is located at 1586 Leon Street (PIO 35600), being a portion of Block 6 of the Scotts Revised Addition. (Case No. V-01-23)
 - a. Open Public Hearing
 - b. Close Public Hearing
 - c. Board Discussion
 - d. Take Action on Request
2. Conduct a public hearing and consider a request from Cathy Song, representing Jim Meara, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 44.11.A.2 regarding menu board height and Section 44.11.A.3 regarding menu board area. The applicant is requesting the above variances to allow a larger menu board. The property is zoned Planned Development Commercial 14 (PDC-14). The subject property is located at 201 Kings Fort Parkway (PIO 190026), being Lot 1R-18, Block B of the Kings Fort Kaufman, Phase II Addition. (Case No. V-02-23)
 - a. Open Public Hearing
 - b. Close Public Hearing
 - c. Board Discussion
 - d. Take Action on Request

CONSENT AGENDA

3. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the October 25, 2022 Regular Meeting.

DISCUSSION/ACTION ITEM

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, JANUARY 27, 2023 AND ON FRIDAY, FEBRUARY 3, 2023 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



Planner 1

THE ZONING BOARD OF ADJUSTMENTS RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY).

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



Public Hearing Item #1
Case V-01-23

Zoning Board of Adjustment Public Hearing:

January 31, 2023

Applicant/Owner:

Partick Devaney

Location:

1586 Leon Street

Part of Block 6 of the Scotts Revised Addition
City of Kaufman, Kaufman County, Texas (PID 35600)

BACKGROUND:

The property located in the Scotts Revised Addition is zoned Single-Family Residential-8 ("SF-8") and is currently developed with a single family house and is located at the end of Leon Street in the Scotts Revised Subdivision. This property is located next to Mica Steelworks, a heavy industrial use. The existing lot contains approximately 12,500 square feet and is an irregular shape. The minimum lot size in "SF-8" is 8,000 square feet.

The applicant installed an 8-foot-tall wood fence without a permit and was subsequently sent a letter by Code Enforcement that the fence was installed without a permit and that it did not meet the City's regulations. Since that time, the applicant has been working with staff on a solution to bring the property into compliance.

The Kaufman Zoning Ordinance states:

38.4.B Except as provided by (C) below, no fence or wall shall be permitted in the front yard of any single-family or townhouse structure except platted lots within the Agriculture/Open district where the fence may be constructed to the front property line. No fence shall be erected in any front yard or side yard, which is adjacent to a public street. No residential fence shall be closer than twenty feet (20') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin the fence may be constructed out to the property line of said side yard.

38.4.C Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding three feet (3') in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.

However, if variances are not approved, the owner will have three options:

1. Remove the fence located in the front yard and relocate it to the side of the house. A permit will be required.

2. Change the material so it is more similar to a 3'-tall picket or wrought iron fence, which is allowed in the front yard and a permit will be required for this also.
3. Appeal the Zoning Board of Adjustment's decision by submitting a written request within 10 days of the finding.

If the variances are approved, Section 38.4.B and 38.4.C will both need to be approved in order to allow the 8' wooden privacy fence in the front yard. The applicant will still need to get a permit for the fence that was previously built.

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 1586 Leon Street (PID 35600).

1. Section 38.4.B – Fence in front yard

- a. Required – No fence or wall shall be permitted in the front yard of any single-family residence
- b. Requested – Allow a fence in the front yard
- c. If approved - It would allow the existing fence to stay in the front yard

2. Section 38.4.B – Fence in front or side yard adjacent to public street

- a. Required - No fence shall be erected in any front yard or side yard, which is adjacent to a public street
- b. Requested – Allow a fence in the front and side yard adjacent to a public street
- c. If approved - It would allow the existing fence to stay in the front and side yard adjacent to a public street

3. Section 38.4.B – Fence located within 20' of a public street

- a. Required - No residential fence shall be closer than twenty feet (20') to a public street
- b. Requested – 3' variance
- c. If approved - It would allow the existing fence to be located 17' from the street

4. Section 38.4.C – Fence Opening

- a. Required - Decorative fences with openings not less than fifty percent (50%) of the fence area are permitted in front yards
- b. Requested – Allow a wood fence with no openings in the front yard
- c. If approved - It would allow the existing wood fence with no openings to stay in the front yard

5. Section 38.4.C – Fence Height

- a. Required - Decorative fences not exceeding three feet (3') in height are permitted in front yards
- b. Requested – Allow a fence greater than three feet (3') in height in the front yard
- c. If approved - It would allow the existing eight-foot-tall (8'-tall) wood fence to stay in the front yard

UNDUE HARDSHIP FOR VARIANCES AND STAFF RECOMMENDATION:

Staff found an undue hardships exists for requests 1 to 5 due to the following circumstances existing on the subject property:

1. The property is located next to Mica Steelworks, a heavy industrial use.
2. The property is located at the end of a road that does not currently provide connection to any other streets.
3. The property is irregularly-shaped. If the applicant is required to meet the setback, then it will reduce the amount of space for a safe and secure area for children and pets.

Staff therefore offers the following recommendations related to Case #V-01-23:

1. Staff recommends approval of the variance request for a **fence in the front yard**.
2. Staff recommends approval of the variance request for a **fence in the front or side yard adjacent to a public street**.
3. Staff recommends approval of the variance request for a **fence located within 20' of a public street**.
4. Staff recommends approval of the variance request for a **fence in the front yard with no openings**.
5. Staff recommends approval of the variance request for a **fence in the front yard greater than 3' in height**.

PROPERTY OWNER RESPONSES:

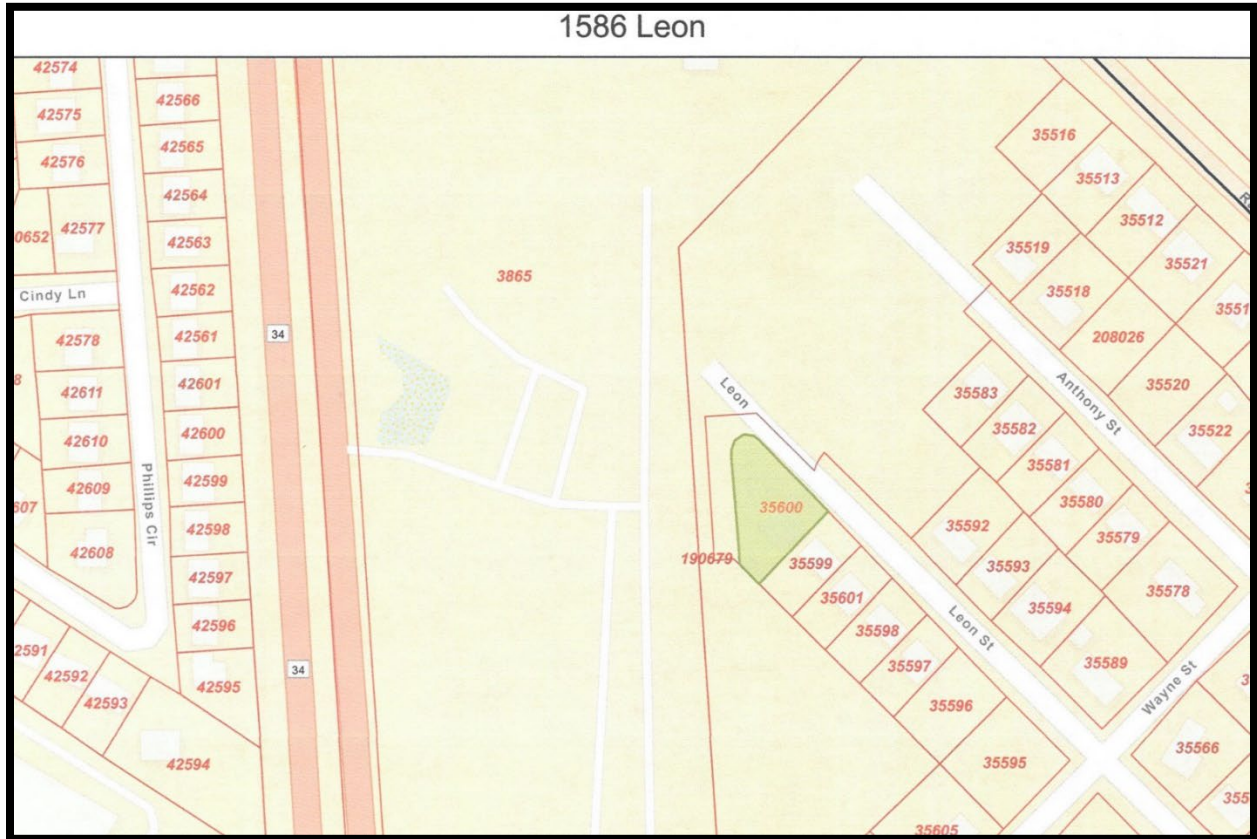
The City of Kaufman mailed out notification letters to 10 property owners within 200' of 1586 Leon Street. The results are as follows:

- Property owners returned letters in opposition of the request: 0
- Property owners returned the letter in agreement of the request: 0
- Property owners returned letters that could not be forwarded: 1
- Property owners who have not responded: 9

Attachments:

Location Map
Application
Survey
Aerial of Property
Property Photos

Location Map



Case Number: V- 01-2023

BOARD OF ADJUSTMENT APPLICATION

1. **Site Location:**
 Street Address: 1586 Leon Street
 Lot, Block, & Subdivision Name: _____
2. **Applicant:**
 Name: Patrick Devaney
 Address: 1586 Leon Street
 City/State: Kaufman, TX Zip: 75142
 Office #: _____ Cell #: 972 626 5535 Fax #: _____
 Email Address: patrickpj.kayla2020@gmail.com
3. **Property Owner:**
 Name: Patrick Devaney
 Address: 1586 Leon Street
 City/State: Kaufman, TX Zip: 75142
 Office #: _____ Cell #: 972 626 5535 Fax #: _____
 Email Address: patrickpj.kayla2020@gmail.com

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

Section	Required	Variance Amount Needed
Sect. <u>38.4. A</u>	<u>Rear of front yard line</u>	<u>allowed in front yard</u>
Sect. <u>38.4. C</u>	<u>Height 3'</u>	<u>8' End of Street</u>
Sect. <u>38.4. C</u>	<u>30% opening</u>	<u>Wooden picket fence</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.

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):

Patrick Devaney

Applicant signature:

Pat Devaney

Owner Name (print or type):

Patrick Devaney

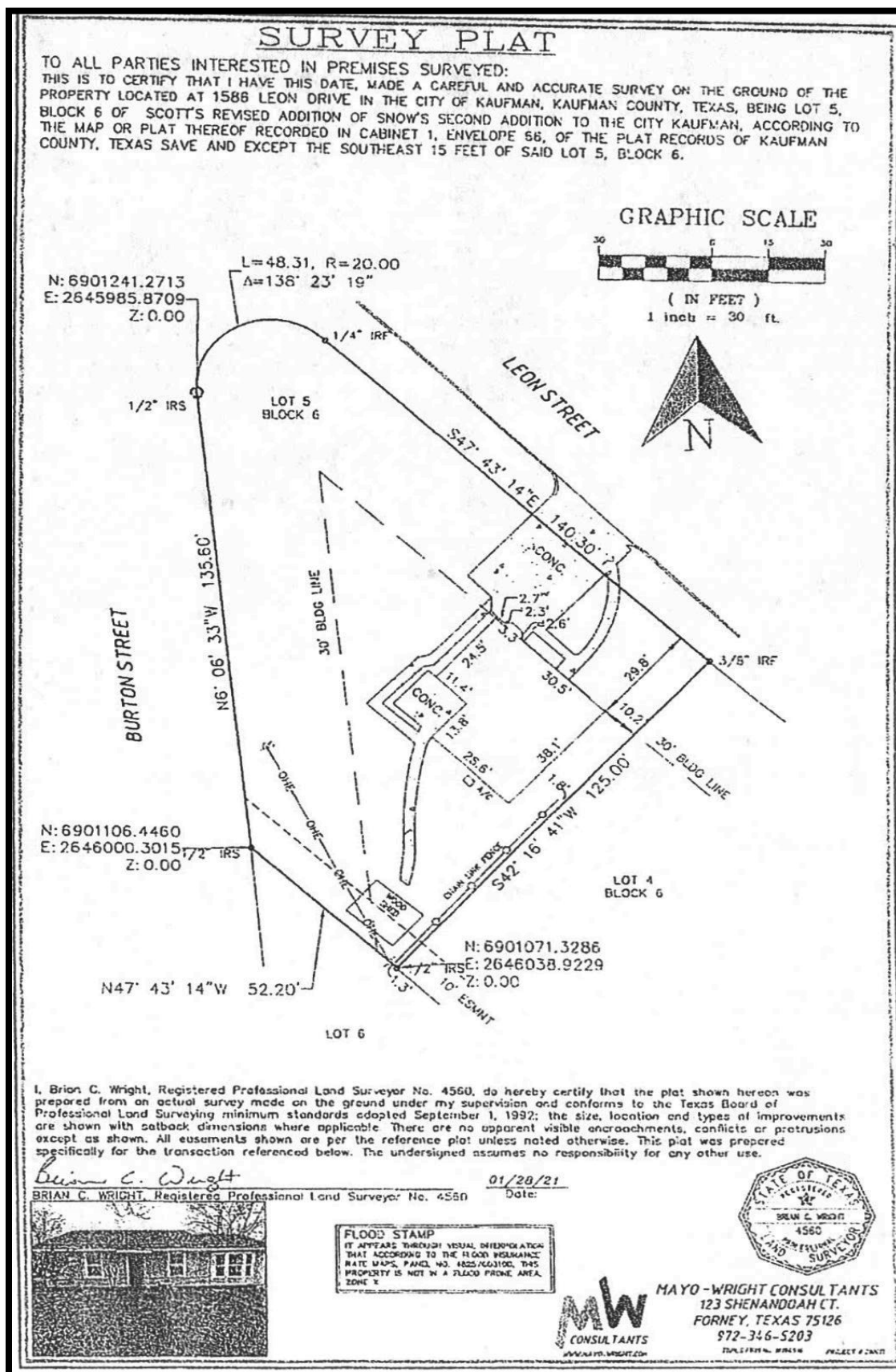
Owner signature:

Pat Devaney

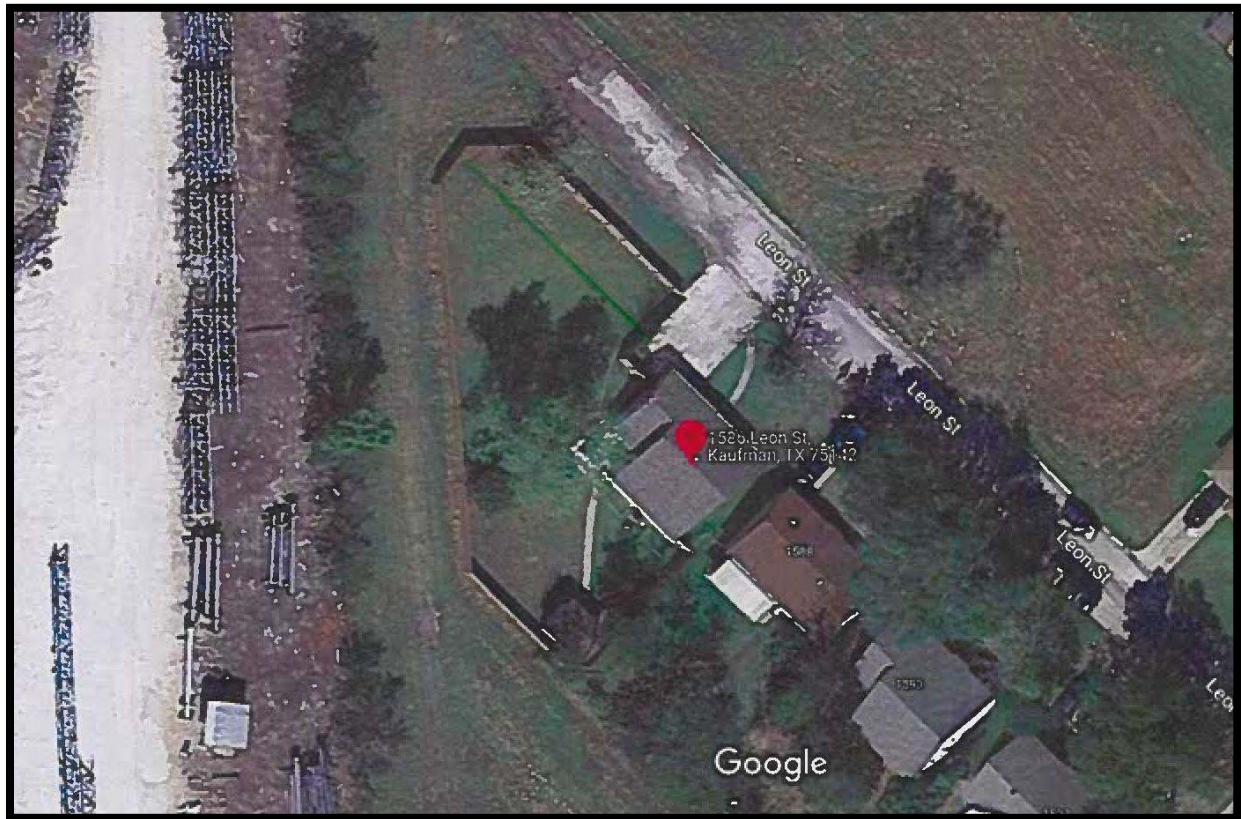
Date Received 12-21-22 Date Paid 12-21-22 Receipt Number 22-000905

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Survey



Aerial of Property



Property Photos







Public Hearing Item #2
Case V-02-23

Zoning Board of Adjustment Public Hearing:

January 31, 2023

Applicant/Owner: Cathy Song of Titan Sign Company (applicant)
on behalf of Jim Meara of TSKF II, LLC (owner)

Location: 201 Kings Fort Parkway
Lot 1R-1B, Block B, Kings Fort Kaufman, Phase II
City of Kaufman, Kaufman County, Texas (PID 190026)

BACKGROUND:

The subject property comprises Lot 1R-1B, Block B, of Kings Fort Kaufman, Phase II and is zoned Planned Development-14-C ("PD-14-C") for Commercial uses. It is currently developed with a 2,600 sq. ft. drive-thru restaurant in the final stages of construction. The property is 0.719 acres in size and is located at 201 Kings Fort Parkway.

The applicant is requesting to install a menu board that exceeds the maximum height and maximum area allowed by the Zoning Ordinance.

In their application, the applicant has indicated that adhering to the City's zoning requirements for menu boards would cause an enormous loss of sales due to not including essential items and promotional items. The applicant also indicated that the drive-thru traffic flow would be affected with employees needing to spend extra time to explain missing menu items. They also explained the need to have corporate branding and menu signage be consistent from location to location.

The City of Kaufman Zoning Ordinance states:

44.11.A Menu Board Signs: Menu board signs shall only be allowed in non-residential districts. Menu board signs shall meet the following regulations:

2. Maximum Height: Six feet (6')
3. Maximum Area: Twenty-four square feet (24 sf). Only one (1) sign face is allowed per sign.

The applicant is requesting to have a menu board sign that is 7'-3" in height (exceeding the requirement by 1'-3") and 38 sq. ft. in area (exceeding the requirement by 14.2 sq. ft.)

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 201 Kings Fort Parkway (PID 190026).

1. Section 44.11.A.2 – Menu Board maximum height

- a. Required – Maximum height of six feet (6')
- b. Requested – Maximum height of seven feet, three inches (7'-3")
- c. If approved - It would allow an increase in the maximum menu board height of 1'-3"

2. Section 44.11.A.3 – Menu Board maximum area

- a. Required – Maximum area of twenty four square feet (24 sq. ft.)
- b. Requested – Maximum area of thirty-eight and two tenths square feet (38.2 sq. ft.)
- c. If approved - It would allow an increase in the maximum menu board sign area of 14.2 sq. ft.

UNDUE HARDSHIP FOR VARIANCES AND STAFF RECOMMENDATION:

Staff found undue hardships do not exist for requests 1 and 2 because there is nothing unique about the characteristics of the subject property as it relates to the requirements for menu board signage. These same requirements apply to signage at other drive-thru restaurants, most of which tend to have a larger variety of food and beverage options and equivalent promotions. Prior to the larger menu board proposal, staff had already reviewed and approved a menu board that would meet the City's requirements. In addition, under the City's zoning requirements, the applicant has the option to add a second menu board (or preview board) at least 12' from the location of the menu board that could display promotional information. Staff recommends denial of Case #V-02-23 due to the following circumstances existing on the subject property:

1. Staff recommends denial of the variance request for **menu board maximum height** – There is no demonstrated hardship unique to the subject property to allow an increase in menu board height; the applicant has other options to convey product offerings that would meet the City's zoning requirements.
2. Staff recommends denial of the variance request for the **menu board maximum area** – There is no demonstrated hardship unique to the subject property to allow an increase in menu board area; the applicant has other options to convey product offerings that would meet the City's zoning requirements.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 8 property owners within 200' of 20 Kings Fort Parkway. 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 returned letters that could not be forwarded: 0
- Property owners who have not responded: 8

Attachments:

Location Map & Aerial
Application
Plat
Site Plan
Menu Board Plan

Location Map

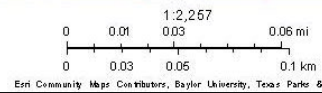
201 Kings Fort



1/11/2023, 2:43:13 PM

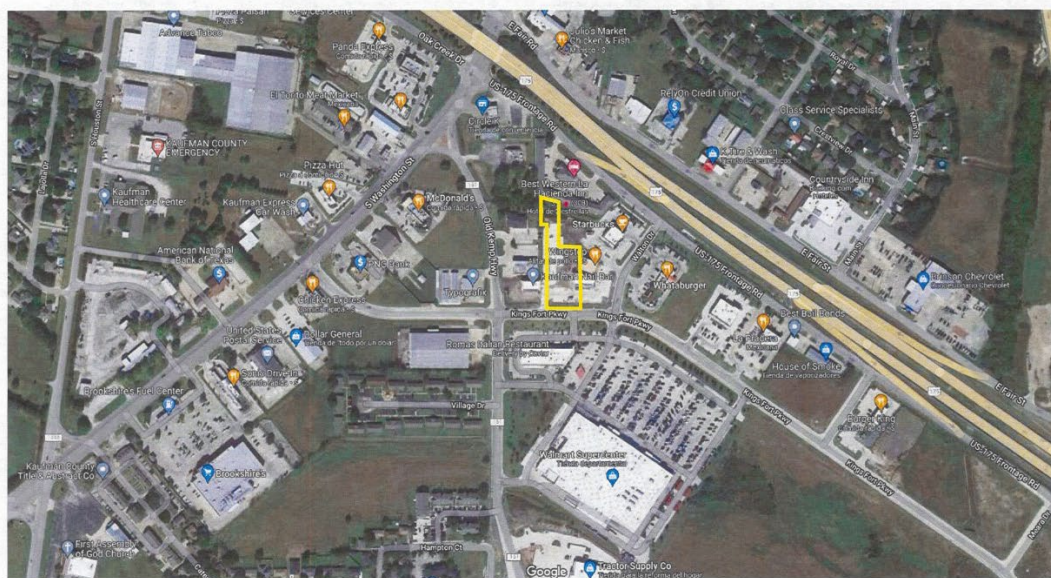
Abstracts

Parcels



Aerial

HTEAO KAUFMAN • SIGN PACKAGE • 201 KINGS FORT PARKWAY KAUFMAN, TX 75142



3D SCAN
AERIAL
FIELD
CLIP/PROVIDED

Project Mgr: Mark Song
Asst Project Mgr: Victor Morris
Master Electrician: Thomas Rogers
Fabrication Mgr: Elizabeth Wright
Installation Mgr: Mike R.

Point Mgr: Christina H
Finalizing Mgr: Jerry G
CHC: David
Point Admin: Marie Culler

Design Leader: Mauro Joseph
Design Team:
Design Coord:
3D Rendering:
Design View:

Architect Firm: N/A
Architect: N/A
Engineer: N/A
Construction Co: N/A
General Contractor: N/A

Pantone Color Shorthand:
DRAWING

Signature:
Date:

Approved as Submitted
Approved / Revises as Noted
Rejected / Re-Submit
Waiting on Permit

LOCATION

SHEET TITLE

PROJECT

SCALE

DATE

01/04/23

PERMIT SET

1

Application Page 1

Case Number: V- 02-23



BOARD OF ADJUSTMENT APPLICATION

1. Site Location:

Street Address: 201 KINGS FORT PARKWAY KAUFMAN, TX 75142 PID 190024

Lot, Block, & Subdivision Name: 0.719 acres

2. Applicant:

Name: Cathy Song

Address: 2643 Mossrock

City/State: San Antonio, Texas Zip: 78230

Office #: 210 202 0123 Cell #: _____ Fax #: _____

Email Address: permits@titansigncompany.com

3. Property Owner:

Name: Jim Meara

Address: 201 KINGS FORT PARKWAY

City/State: KAUFMAN, TX Zip: 75142

Office #: 210 202 0123 Cell #: _____ Fax #: _____

Email Address: permits@titansigncompany.com

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

Section	Required	Variance Amount Needed
Sect. 44.11	6 ft high and 24 total sqft	1'3" height and 14 sqft bigger
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.

HTeaO is one of the fastest growing franchises in the Central US region, but it's new to city of Kaufman. With the reduced menu size, we would be missing a lot of essential items which can cause an enormous loss in sales. Also, HTeaO has monthly promotions with different types of drinks. By reducing the size of the menu board, this location would not be able to participate (HTeaO generates a lot of revenue on their promotional items). In addition, the drive-thru traffic flow will be negatively affected. For example, employees will have to spend extra time explaining missing menu items at the window. Another reason that we consider the variance is that HTeaO menu at the Kaufman location will not match the standard branding of HTeaO menus at other stores. The corporate branding needs to be as consistent as possible from location to location, which will demonstrate company standardization. Furthermore, the HTeaO franchisee has invested significantly to construct their drive thru at the HTeaO location at Kaufman. The menu sign was rigorously designed to increase sales through: graphics, menu items, and fast ordering. Without using the standard menu size, it will cause decrease in sales and undue hardship.

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.

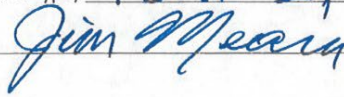
I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT THE BOARD OF ADJUSTMENT MEETING

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): Cathy Song

Applicant signature: 

Owner Name (print or type): TSKF II, Ltd.

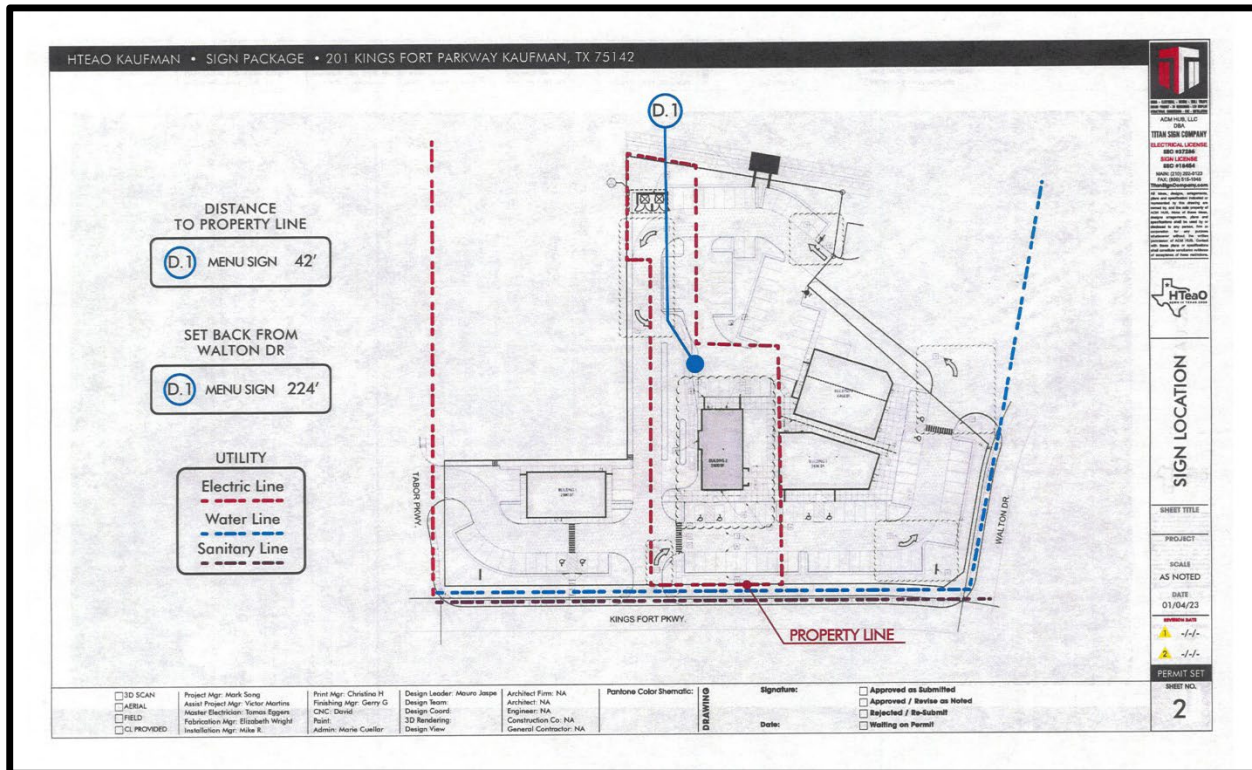
Owner signature: 

Date Received _____ Date Paid _____ Receipt Number _____

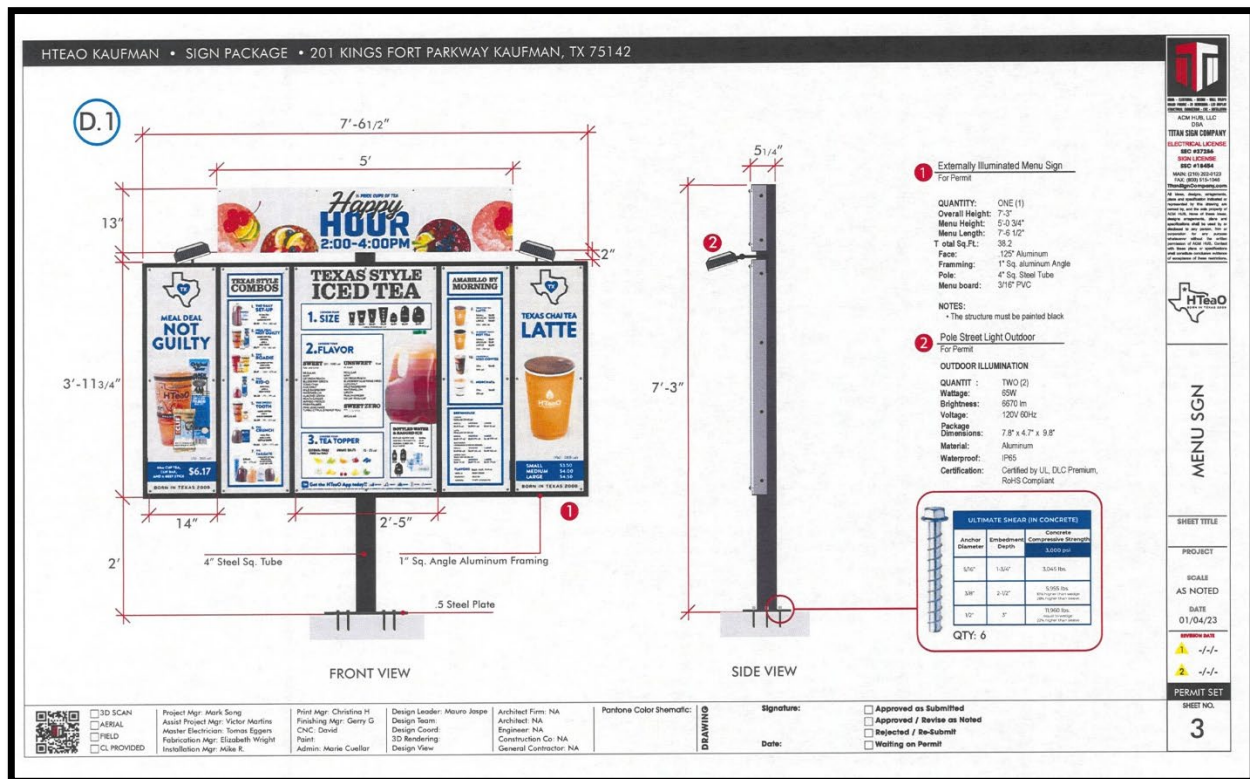
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Site Plan



Menu Board Plan





MINUTES
TUESDAY, OCTOBER 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.

The meeting was called to order at 6:00 p.m. on Tuesday, October 25, 2022. Board Members present were Chairman John Elzner, Vice-Chairman Jimmy Reed, Board Member Clayton Kelley, Board Member David Hunt, and Board Member Patrick Thorpe. City of Kaufman staff present were Director of Development Services Andrew Bogda and Planner I Joy Henderson. Present in the audience were Mary Salazar, Martin Juarez, Maria Olvera, and Domingo Olvera.

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 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. The Public Hearing was opened at 6:02 p.m.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for the 1500 block of Dellis Street (PID 20970). Details of the case can be found in report V-06-22 dated 10-25-2022.

Maria Olvera stated the city has rules that apply to everyone. They were not allowed to put a porch on the front of their house because it was against the rules.

Mary Salazar stated they are building the house for them to live in and the properties beside this one were not available for acquisition.

- c. The Public Hearing was closed at 6:17 p.m.
- d. Board Discussion – Board Member Thorpe asked when the property was purchased. Board Member Hunt asked if there are vacant lots on each side.
- e. Board Member Kelly made a motion to approve the hardship since there is no additional land available to increase the size of the lot. The motion was seconded by Board Member Hunt. The motion carried by a vote of 5-0.
- f. For the specific variance requests, each variance was voted on individually.
 - 1. Vice Chairman Reed made a motion to approve the variance from a 6,000 square foot minimum lot size to a 3,000 square foot minimum lot size. The motion was seconded by Board Member Kelly. The motion carried by a vote of 5-0.
 - 2. Board Member Hunt made a motion to approve the variance to approve the variance from a 60 foot wide lot to a 25 foot wide lot. The motion was seconded by Vice Chairman Reed. The motion carried by a vote of 5-0.
 - 3. Board Member Kelly made a motion to approve the variance from a 6 foot side yard setback to a 5 foot side yard setback. The motion was seconded by Vice Chairman Reed. The motion carried by a vote of 5-0.
 - 4. Board Member Hunt made a motion to approve the variance from a 25 foot rear yard setback to a 22 foot rear yard setback. The motion was seconded by Vice Chairman Reed. The motion carried by a vote of 5-0.
 - 5. Vice Chairman Reed made a motion to approve the variance from a 35% lot coverage to a 35.7% lot coverage. The motion was seconded by Board Member Hunt. The motion carried by a vote of 5-0.

CONSENT AGENDA

- 2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the August 25, 2022 Regular Meeting.

Board Member Thorpe made a motion to approve the Zoning Board of Adjustment Minutes from the August 25, 2022 Regular Meeting. The motion was seconded by Board Member Hunt. The motion carried by a vote of 4-0-1, with Chairman Elzner, Vice Chairman Reed, Board Member Hunt, and Board Member Thorpe voting yes and Board Member Kelley abstaining.

ADJOURNMENT

Board Member Hunt made a motion to adjourn at 6:28 p.m., seconded by Board Member Kelly. The motion carried by a vote of 5-0.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN