



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, FEBRUARY 28, 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 Jason Raiburn, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 16.4.B.1 Minimum Front Yard to allow a carport to encroach into the front yard setback of an existing single family house. The property is zoned Single Family Residential – 8 (SF-8). The subject property is located at 1414 Royal Drive (PID 28045), being part of Block 4, Lot 12 and part of Lot 13, of the Kaufman East Addition. (Case No. V-03-23)

CONSENT AGENDA

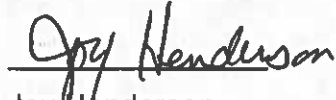
2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the February 9, 2023 Regular Meeting.

DISCUSSION/ACTION ITEMS

ADJOURNMENT

I, JOY HENDERSON, PLANNER I, 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 DAY, MONTH DD, YYYY AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



Joy Henderson
Planner I

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-03-23

Zoning Board of Adjustment Public Hearing:

February 28, 2023

Applicant/Owner:

Jason Raiburn on behalf of Jerry & Patty Patterson

Location:

1414 Royal Drive

Lot 12 and part of Lot 13, Block 4, Kaufman East Addition #3
City of Kaufman, Kaufman County, Texas (PID 28045)

BACKGROUND:

The property located in the Kaufman East Addition is zoned Single-Family Residential-8 ("SF-8") and is currently developed with a 2,052 square foot house built in 1968. The lot contains approximately 10,215 square feet. The minimum lot size in "SF-8" is 8,000 square feet.

The house does not currently include a garage as the previous attached garage was enclosed and converted into residential living space several decades ago without a permit, which was not required at the time. A 2013 Google Maps StreetView image shows the front of the house with brick and windows, including in the location of the previous garage. The plans show a new door and hardboard will be installed to match the rest of the house and the proposed carport. A permit to replace a window with a door was issued on 09-19-2022.

A permit for the driveway was issued on February 17, 2023. Their approved permit does not include the carport, since it would encroach into the front yard setback.

Mr. Raiburn requested a building permit to build an eighteen foot by twenty-two foot (18' x 22') accessory carport in front of the home. Since the carport would be located in the front yard setback, a building permit could not be approved. If the variance is approved, the proposed carport will match the façade of the house in material, shingles, and color.

New carport construction in older neighborhoods, with existing carports encroaching into the front yard setback, is a hard battle to fight. Staff performed a survey of the subdivision, and out of the 176 houses, there were 10 carports extending in front of the houses. Staff would not support a new carport in a subdivision where there were no other existing carports.

REQUESTED VARIANCES:

The requested variance below is to Chapter 118, Zoning" of the Code of Ordinances, City of Kaufman Zoning Ordinance, O-02-07 for the property addressed as 1414 Royal Dr:

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

The request is for a 16-foot variance to the minimum 30-foot front yard setback for the carport only.

If approved, it would allow a carport on the driveway to have a 14-foot front yard setback from the front property line.

UNDUE HARDSHIP FOR VARIANCES AND STAFF RECOMMENDATION:

The following outstanding circumstances exist for the subject property:

1. The added carport, built to be a permanent part of the house, would be incorporated into the existing roof line of the home. The carport gives an aesthetic appeal to the home.
2. There is not a garage for the owners to park in.
3. The applicant did have a building permit for improvements to widen the driveway, but it did not include adding a carport.
4. The house is setback 36.7 feet from the front property line.
5. The Allen Addition was approved in the 1950's, when the City did not have an adopted zoning ordinance. The first zoning ordinance was adopted in 1980.
 - a. The majority of homes were built before the city adopted the first zoning ordinance.

Staff technically found no hardship unique to this property exists. However, based on the lack of covered parking on the property, the lack of space available to provide covered parking, a proposed 14' front yard setback, and the precedence established in approving a similar request in the same neighborhood at 1407 Main Street on April 24, 2018, staff recommends approval of Case #V-03-23.

PROPERTY OWNER RESPONSES:

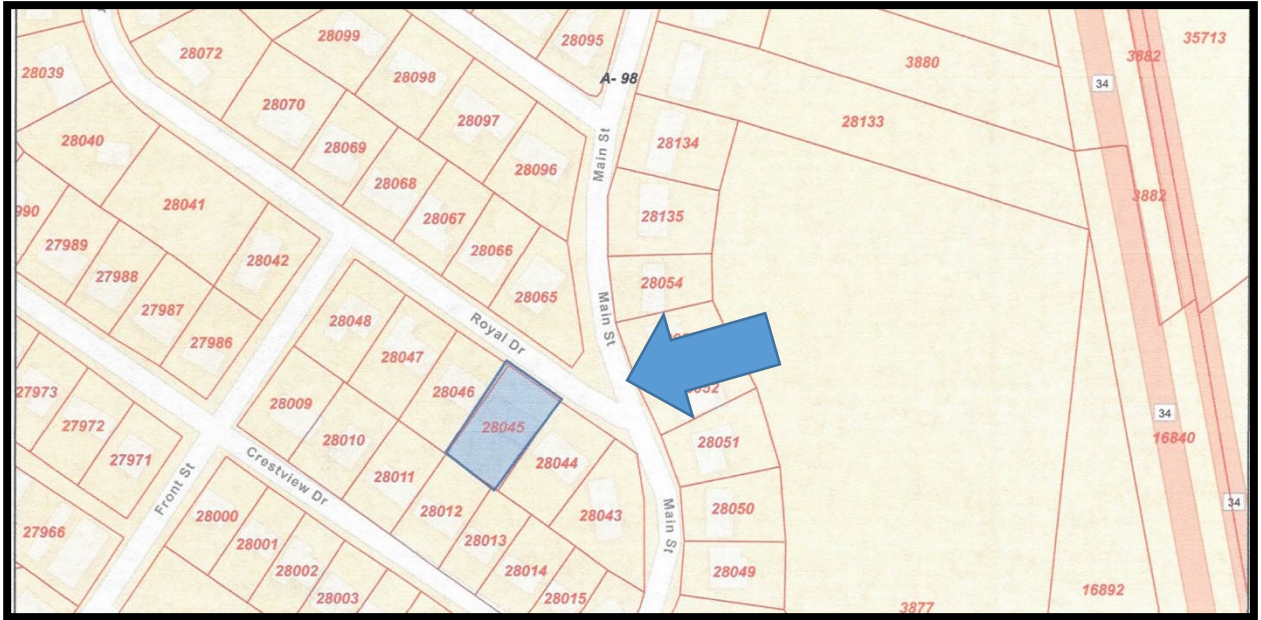
The City of Kaufman mailed out notification letters to 30 property owners within 200' of 1414 Royal Drive. The results are as follows:

- 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: 30.

Attachments:

Location Map
Application
Survey
Site Plan
Pictures

Location Map



Case Number: V- 03-2023

02-28-2023



BOARD OF ADJUSTMENT APPLICATION

PID 28045

1. **Site Location:**
 Street Address: 1414 ROYAL DRIVE KAUFMAN TX 75142
 Lot, Block, & Subdivision Name: ALL 12 PART OF 13 BLOCK 4
KAUFMAN ~~PLACES~~ EAST
2. **Applicant:**
 Name: JASON RAIBURN CONST. LLC
 Address: 11847 CR 4079
 City/State: SCURRY TEXAS Zip: 75158
 Office #: _____ Cell #: 469-614-6757 Fax #: _____
 Email Address: JASON.RAIBURN@GMAIL.COM
3. **Property Owner:**
 Name: JERRY & PATTY PATTERSON
 Address: 1414 ROYAL DRIVE
 City/State: KAUFMAN TX Zip: 75142
 Office #: _____ Cell #: 214-682-3580 Fax #: _____
 Email Address: TXGOOSE1957@AOL.COM

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

Section	Required	Variance Amount Needed
Sect. <u>16.4.B.1</u>	<u>30'</u>	<u>16' for a 14' setback</u>
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.

NO HARDSHIPS EXIST, THERE IS AMPLE
SPACE ON ALL SIDES TO REMOVE
AND REPLACE EXISTING CONCRETE AND
BUILD A CARPORT ADDITION THAT WILL
LOOK ORIGINAL TO THE 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): JASON RAIBURN

Applicant signature: Jason A. Raiburn

Owner Name (print or type): JERRY & PATTY PATTERSON

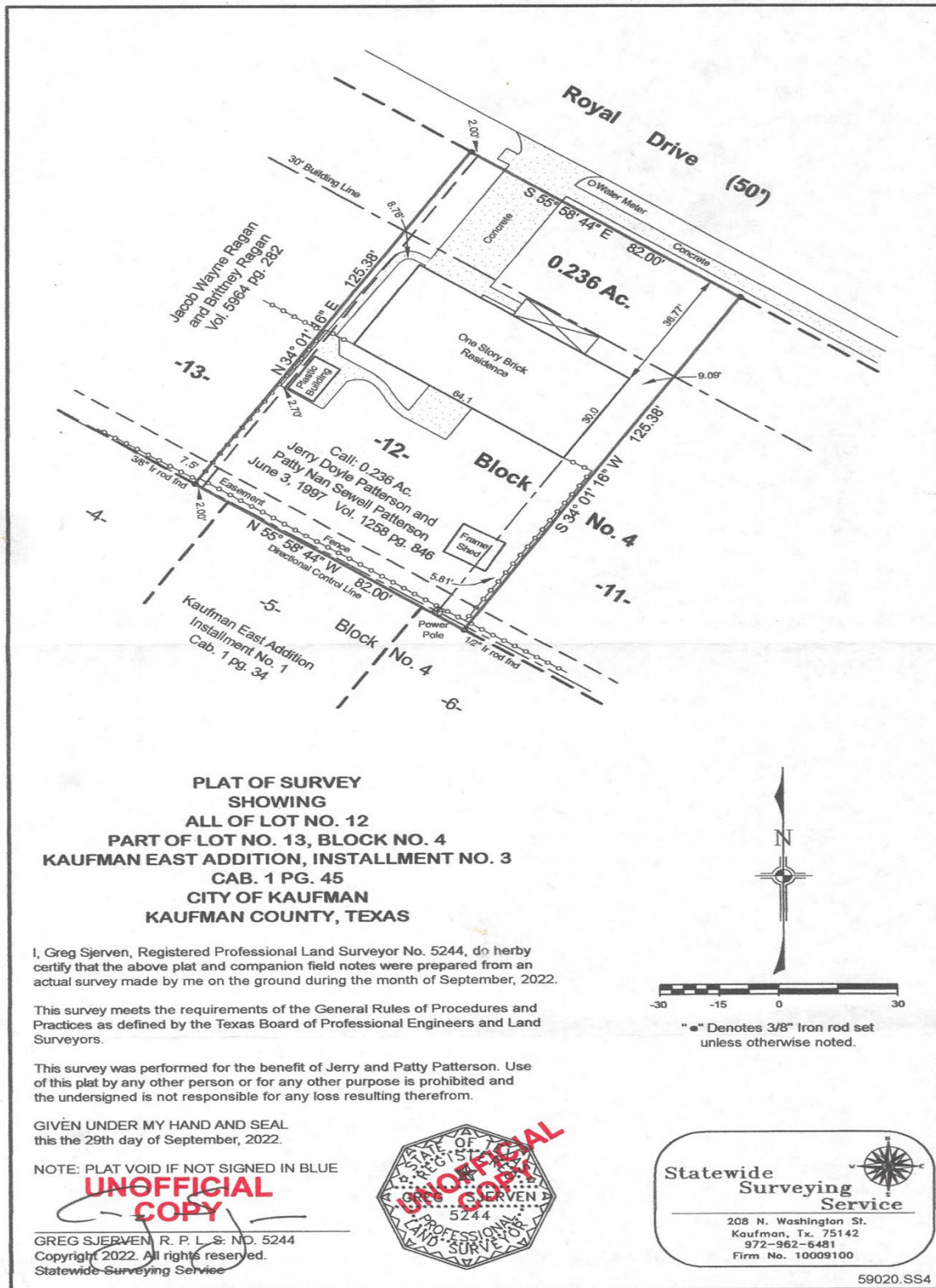
Owner signature: Patty Patterson Jerry Patterson

Date Received _____ Date Paid _____ Receipt Number _____

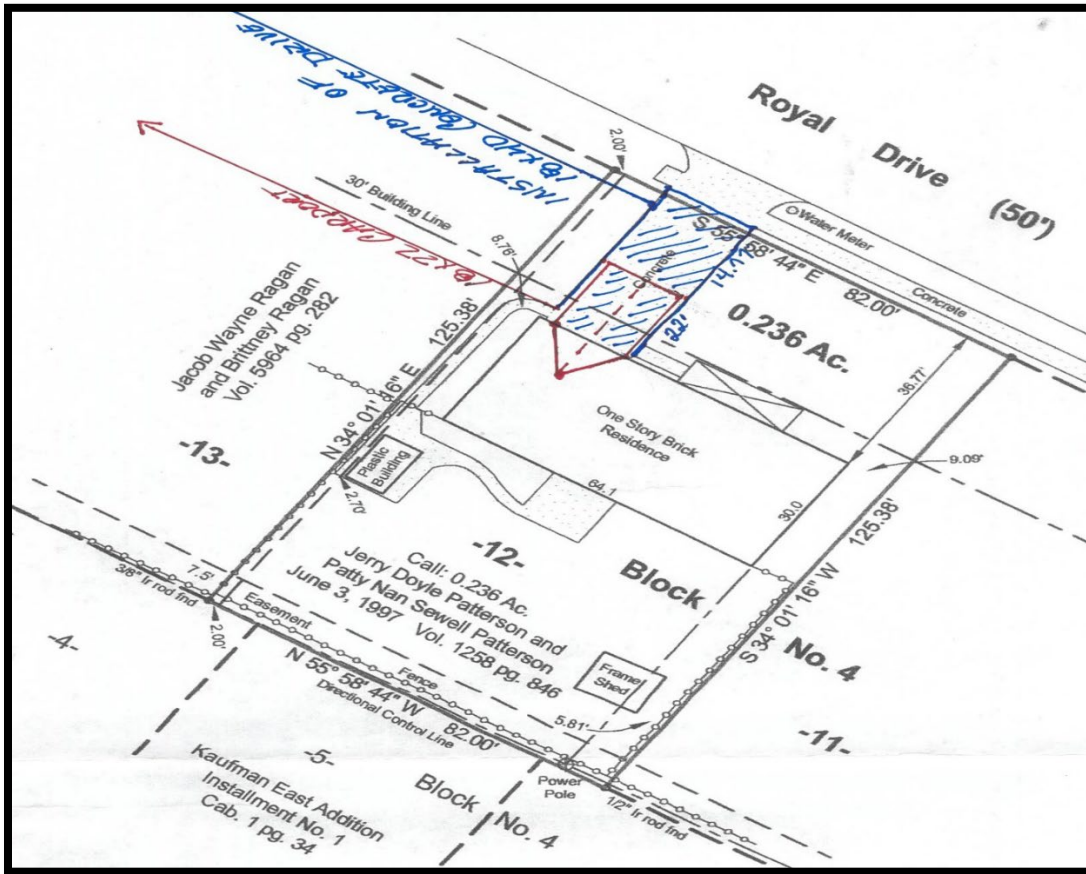
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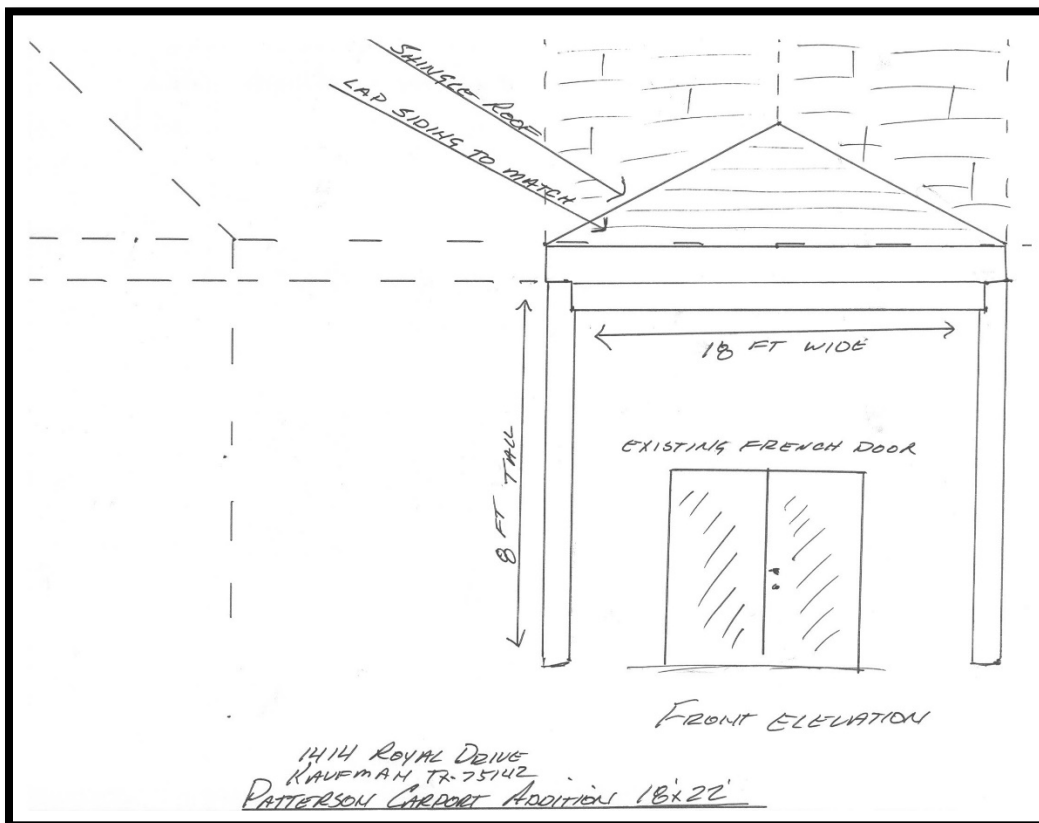
Survey



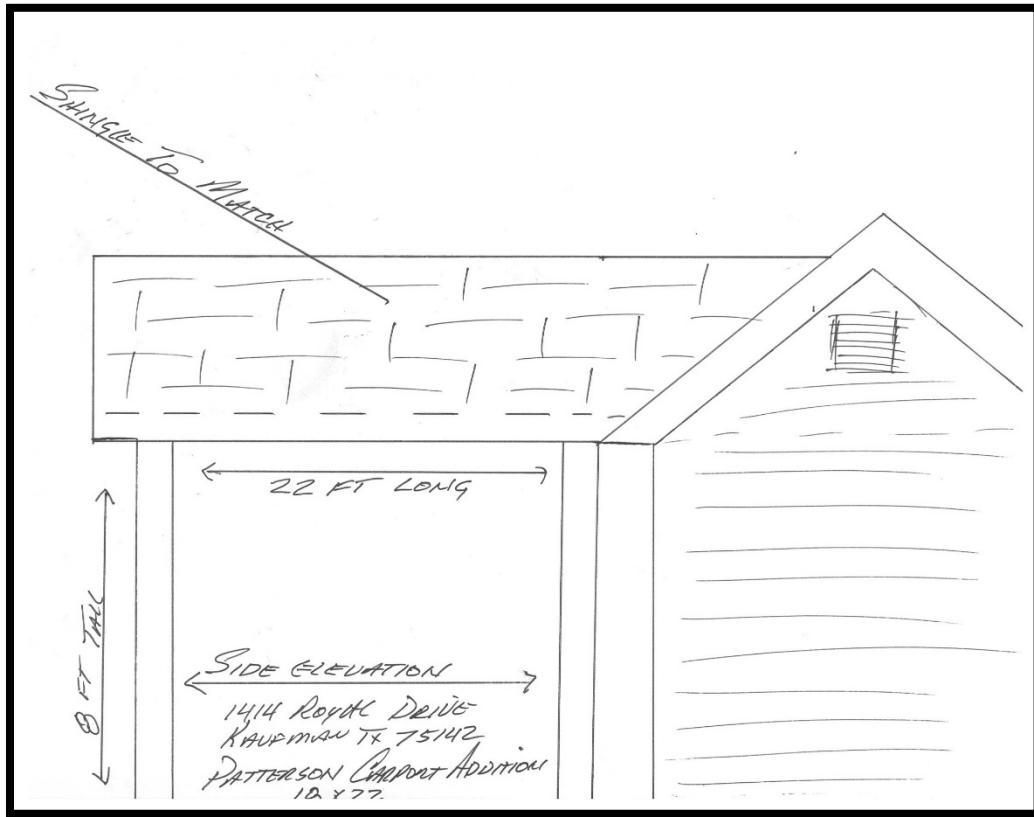
Site Plan



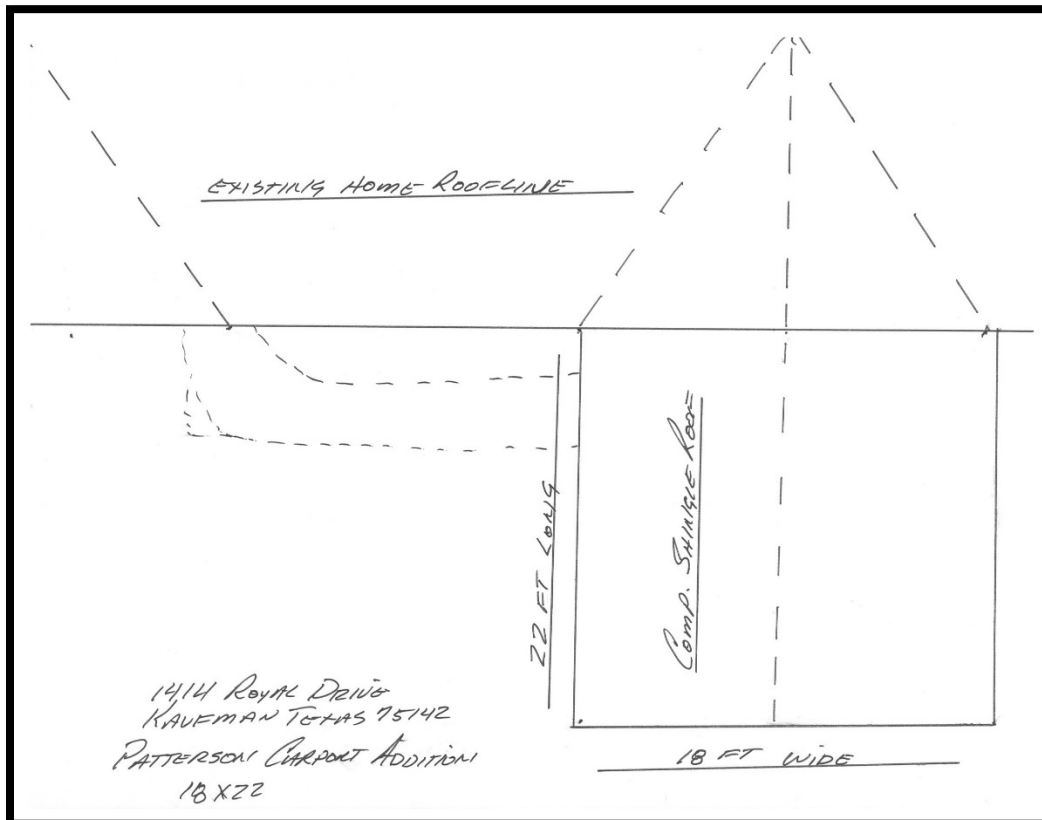
Picture 1 – Front View



Picture 2 – Side View



Picture 3 – Top View





MINUTES
THURSDAY, FEBRUARY 9, 2023
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 6:02 p.m. Tuesday, February 9, 2023. Board Members present were Chairman John Elzner, Vice-Chairman Jimmy Reed, Board Member Kathy Burt, Board Member David Hunt, Board Member Clayton Kelley, and Board Member Patrick Thorpe. Director of Development Services Andrew Bogda and Planner I Joy Henderson were present. Present in the audience were Patrick Devaney, Shelia Knowles, Michael Coats, and Jim Meara.

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 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 (PID 35600), being a portion of Block 6 of the Scotts Revised Addition. (Case No. V-01-23)
 - a. The Public Hearing was opened at 6:04 pm.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for 1586 Leon Street (PID 35600). Details of the case can be found in report V-01-23 dated 01-31-2023.

Patrick Devaney stated the fence was already built when he purchased the house and that he did not have anything to do with the location of the fence.

Shelia Knowles also stated the fence was already there when Mr. Devaney purchased the property.

- c. The Public Hearing was closed at 6:15 p.m.
- d. Board Discussion - None
- e. Board Member Kelly made a motion to approve the hardship due to the property being located next to Mica Steelworks, a heavy industrial use and being located at the end of the road that does not currently provide connection to any other streets. The motion was seconded by Board Member Hunt. The motion carried by a vote of 6-0.
- f. Each motion was voted on individually.
 - 1) Section 38.4.B – Fence in front yard
Vice-Chairman Reed made a motion to approve the variance allowing a fence in the front yard. The motion was seconded by Board Member Burt. The motion carried by a vote of 6-0.
 - 2) Section 38.4.B – Fence in front or side yard adjacent to public street
Board Member Kelly made a motion to approve the variance allowing a fence in the front yard adjacent to a public street. The motion was seconded by Board Member Thorpe. The motion carried by a vote of 6-0.
 - 3) Section 38.4.B – Fence located within 20' of public street
Board Member Hunt made a motion to approve a 3' variance allowing a fence in the front yard to be located within 17' a public street. The motion was seconded by Board Member Kelley. The motion carried by a vote of 6-0.
 - 4) Section 38.4.C – Fence Opening
Board Member Kelley made a motion to approve the variance allowing a solid wood fence in the front yard. The motion was seconded by Vice-Chairman Reed. The motion carried by a vote of 6-0.
 - 5) Section 38.4.C – Fence Height
Board Member Kelley made a motion to approve the 5' variance allowing an 8' fence in the front yard. The motion was seconded by Board Member Burt. The motion carried by a vote of 6-0.

- 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 (PID 190026), being Lot 1R-1B, Block B of the Kings Fort Kaufman, Phase II Addition. (Case No. V-02-23)

- a. The Public Hearing was opened at 6:20 pm.
- b. Director of Development Services Andrew Bogda presented a report on the variance requests for 201 Kings Fort Parkway (PID 190026). Details of the case can be found in report V-02-23 dated 01-31-2023.

Michael Coats stated the size of the sign would be similar to the ones located at Starbucks, Whataburger, Jack-in-the-Box and he would like to have the same size as the other businesses. The additional size would allow the customer to see what the specials are before they order. This will save time in the drive-thru since the employee will not have to provide the customer with the specials.

- c. The Public Hearing was closed at 6:39 p.m.
- d. Board Discussion - None
- e. Board Member Kelley made a motion that a hardship does not exist for this property. The motion was seconded by Board Member Thorpe. The motion carried by a vote of 6-0.

CONSENT AGENDA

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

Board Member Kelley made a motion to approve the Zoning Board of Adjustment Minutes from the October 25, 2022 Regular Meeting. The motion was seconded by Board Member Hunt. The motion carried by a vote of 6-0.

ADJOURNMENT

Board Member Kelley made a motion to adjourn at 6:44 p.m., seconded by Board Member Burt. The motion carried by a vote of 6 -0.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNER I