



AGENDA
ZONING BOARD OF ADJUSTMENT MEETING
TUESDAY, APRIL 25, 2023
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 Sanders Johnston, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 15.4.B.1 Minimum Front Yard to allow a covered porch to encroach into the front yard setback of an existing single family house. The property is zoned Single Family Residential – 10 (SF-10). The subject property is located at 1605 South Houston Street (PID 36738), being part of Block 303 of the Snows Second Addition. (Case No. V-05-23)

CONSENT AGENDA

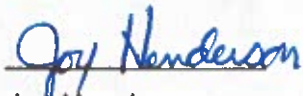
2. Consider and take appropriate action on the Zoning Board of Adjustment minutes from the February 28, 2023 Regular Meeting.

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 FRIDAY, APRIL 21, 2023 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-05-23

Zoning Board of Adjustment Public Hearing:

April 25, 2023

Applicant/Owner:

Sanders Johnston

Location:

1605 S. Houston St.

Part of Block 303 of the Snows Second Addition
City of Kaufman, Kaufman County, Texas (Parcel ID 36738)

BACKGROUND:

The subject property comprises of part of Block 303 of the Snows Second Addition and is located on the east side of S. Houston St. across from Borders Cir. and approximately 240 feet north of 11th St. The property is approximately 15,507 sq. ft. and is zoned Single Family Residential-10 ("SF-10"). The property includes a 1,548 sq. ft. one-story house, with a covered front porch that is under construction. The property shares a gravel driveway with 1607 S. Houston St.

In the SF-10 zoning district, the front yard setback requirement is 35' and the property owner is requesting a 9' variance in order to build a cover over the 6'-8" x 40' concrete patio that was permitted on January 5, 2023. This would provide for only a 26' setback from the right-of-way for S. Houston St.

The Kaufman Thoroughfare Plan classified S. Houston St. as a Minor Collector (Type "D") with sixty feet (60') of right-of-way. The 60' of right-of-way exists, so no additional right-of-way will be required on this property in the future.

On December 14, 2022, it was discovered that work was being done on the property and the contractors were told to stop working since they were working without a permit. We could not issue a permit that day because we needed a current survey. On December 29, 2022, the owner provided a survey of the property.

On January 5, 2023, the contractor applied for a permit to add a 6'-8" x 40' covered front porch. They were approved for a concrete patio, but it couldn't be covered by a roof. Concrete can be placed in the setbacks and a 24" overhang into the setback is allowed, but if the overhang exceeds 24" or posts are added, the setbacks and required to be met.

On March 13, 2023, a permit was issued for windows and siding, but it was not realized that the work to add the patio cover was also included. Mr. Sanders was contacted to let him know that he would not be able to add the covered porch unless a variance was granted to allow the encroachment into the front yard setback.

On March 15, 2023, Mr. Sanders applied for a variance request.

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 1605 S. Houston St. (Parcel ID 36738):

1. **Section 15.4.B.1 – Minimum front yard setback – thirty-five feet (35’)**

The request is for a 9 foot variance to the minimum front yard setback for the front porch cover only.

If approved, it would allow the concrete pad and covered porch to have a 26 foot front yard setback as measured from the property line on Houston Street.

UNDUE HARDSHIP FOR VARIANCES AND STAFF RECOMMENDATION:

The following circumstances exist for the property at 1605 S. Houston St.:

None was provided by the applicant.

Staff found that no unique hardship exists to allow the requested variance. However, staff notes that the front of the house already encroaches the 35’ setback by 1’-6” and many of the other houses along S. Houston St. encroach the setback by an even greater degree. In addition, staff is generally supportive of front porches as they add value and character to the residence and to the neighborhood and provide a meaningful living space buffer between the house and the street that benefits the residents and the neighborhood alike. A prime example of this is the Halloween on Houston event wherein the porch will provide an area for residents to gather and distribute candy to neighborhood children, display decorations, etc. Staff supports reasonable encroachments for front porches that don’t encroach the setback by more than 10’ and this is a provision staff is considering adding to the Zoning Ordinance. In addition, the full right-of-way for S. Houston St. exists and no additional dedication will be required.

Staff therefore offers the following recommendation related to Case #V-05-23:

1. Staff recommends **approval** of the variance request to the **minimum front yard setback** to allow the concrete pad and covered porch to have a 26 foot front yard setback as measured from the front property line on S. Houston St., with the condition that the porch will not be enclosed.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 17 property owners within 200’ of 1605 S. Houston St. 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: 2
- Property owners returned letters that could not be forwarded: 0
- Property owners who have not responded: 15

Attachments:

Location Map
Application
Survey

Location Map



Case Number: V- 05-23

BOARD OF ADJUSTMENT APPLICATION

1. Site Location:

Street Address: 1605 S. Houston StreetLot, Block, & Subdivision Name: Snow 2 Block 303 PT

2. Applicant:

Name: Sanders JohnstonAddress: 1605 S Houston StreetCity/State: Kaufman, Texas Zip: 75142Office #: NA Cell #: (214) 683-9206 Fax #: NAEmail Address: sandersjohnston@gmail.com

3. Property Owner:

Name: Sanders JohnstonAddress: 1605 S Houston StreetCity/State: Kaufman, TX Zip: 75142Office #: NA Cell #: (214) 683-9206 Fax #: NAEmail Address: sandersjohnston@gmail.com

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

Section	Required	Variance Amount Needed
Sect. <u>SF-10 15.481</u>	<u>35'</u>	<u>8'3" for 24'</u>
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		
Sect.		

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 g:\development services\email & forms\originals for inhouse use only\board of adjustment application & guidelines.docx Updated 2/22/2019

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.

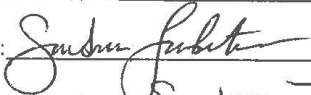
B. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district.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

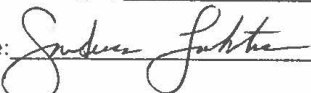
I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT THE BOARD OF ADJUSTMENT MEETING

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): Sanders Johnston

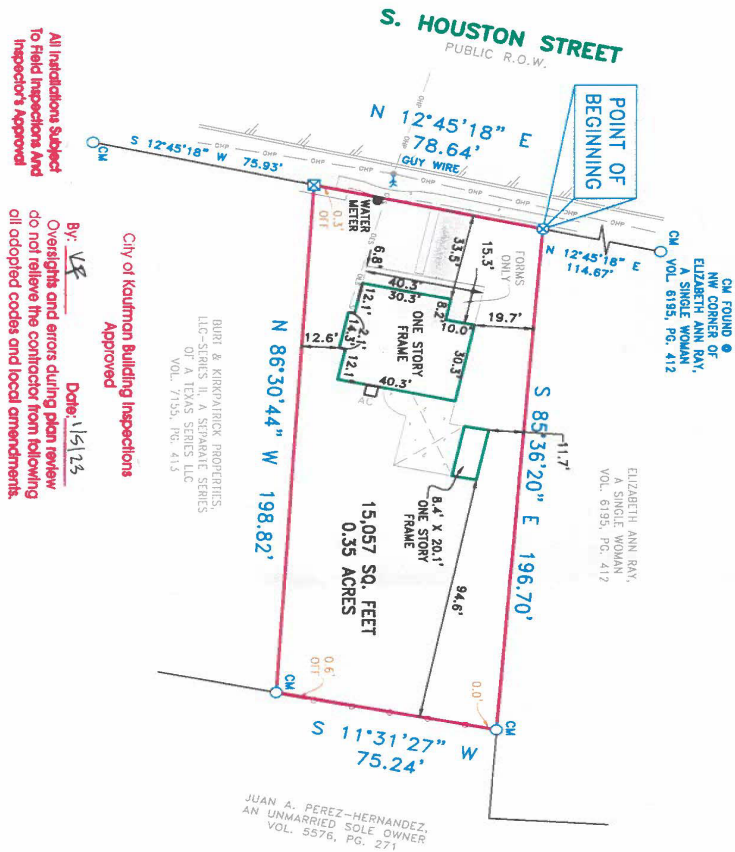
Applicant signature: 

Owner Name (print or type): Sanders Johnston

Owner signature: 

Date Received 3-15-2023 Date Paid 3-15-2023 Receipt Number 23-000224

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g:\development services\email & forms\originals for inhouse use only\board of adjustment application & guidelines.docx Updated: 2/22/2019

[illegible]

By: VF Date: 1/5/23
Oversights and errors during plan review
do not relieve the contractor from following
all adopted codes and local amendments.

City of Kaufman Building Inspections
Approved

GURI & KIRKPAIRICK PROPERTIES,
LLC-SERIES II, A SEPARATE SERIES
OF A TEXAS SERIES LLC

NOTES:
EASMENTS SHOWN ARE BASED ON MAD 83 TEXAS NORTH CENTRAL ZONE.
NOTED.
EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.
NOTE: According to the F.L.M. No. 4235(CO)SDSD, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.
NOTE: This survey is made in conjunction with the survey of the 100 year flood zone, and the title block of this plat, the LLC has not and requested the land title recording of the existence of easements, restrictive covenants or other encumbrances.

This survey made in conjunction with the information provided by The Client, User, and/or other parties, shall be used for the purpose of providing information to the Client, User, and/or other parties. The Client, User, and/or other parties shall be responsible for the accuracy and completeness of the information provided. The Client, User, and/or other parties shall be responsible for the accuracy and completeness of the information provided. The Client, User, and/or other parties shall be responsible for the accuracy and completeness of the information provided.

Date: _____

Accepted By: _____ Purchaser

Date _____

Purchaser

Purchaser

Drawn By: MARIA
Scale: 1" = 40'
Date: 12/29/2022
GF NO.:
N/A
Job No. 2222274

1415 E. IH-30, Suite
Garland, TX 75045
P 214.349.9485
F 214.349.2216
Firm No. 10168600
www.cbortillo.com



1605 S. Houston Street

Being a tract of land situated in the C. Lovejoy 640 Acre Survey, Abstract No. 303, Kaufman County, Texas, and being a portion of Block 303 of Snow's Second Addition, an addition to the City of Kaufman County, Texas, same being that tract of land conveyed to Sanders Laughlin Johnston, by deed recorded in Volume 7860, Page 4, Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

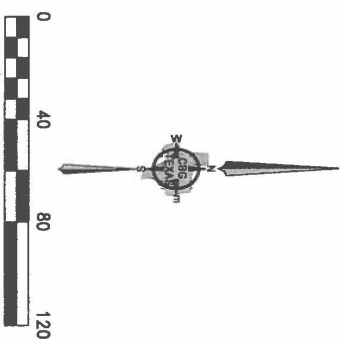
BEGINNING at a 1/2 inch iron rod set with yellow plastic caps stamped "C86 Surveying" for corner, said corner being the Southwest corner of the tract of land conveyed to Elizabeth Ann Roy, a single woman, by deed recorded in Volumes 6185, Page 412, Deed Records of Kaufman County, Texas, and lying along the East line of S. Houston Street (public right-of-way), from which a 1/2 inch iron rod found bears North 12 degrees 45 minutes 18 seconds East, a distance of 114.657 feet, of the Northeast corner of said Roy tract;

THENCE: South by degree 36 minutes 20 seconds East, along the South line of said Roy tract, a distance of 186.70 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of that tract of land conveyed to Juan A. Perez-Hernandez, an unmarried male owner, by deed recorded in Volume 5578, Page 271, Deed Records of Kaufman County, Texas;

THENCE South 11 degrees 31 minutes 27 seconds West, along the West line of said Hemondaz tract, a distance of 75.24 feet to a 1/2 inch iron rod found for corner, said corner being the Northeast corner of that tract of land conveyed to Burt & Kitzpelt Properties, LLC-Series II, a successor series of a Texas series LLC, by deed recorded in Volume 7155, Page 413, Deed Records of Kaufman County, Texas;

THENCE North 88 degrees 50 minutes 44 seconds West, along the North line of said Burt & Kippelbach tract, a distance of 198.82 feet to an X set for corner, said corner being the Northwest corner of Burt & Kippelbach tract, and lying along the aforementioned East line of 5, Houston Street, from which a 1/2 inch iron rod found bears South 12 degrees 45 minutes 18 seconds West, a distance of 75.83 feet, of the Southwest corner of aforesaid Burt & Kippelbach tract;

Street, a distance of 78.64 feet to the POINT OF BEGINNING and containing 15,057 square feet or 0.35 acres of land.



Design Photos

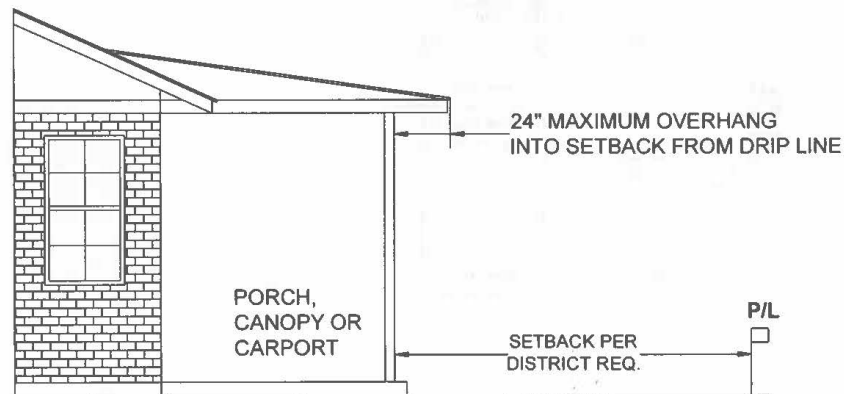
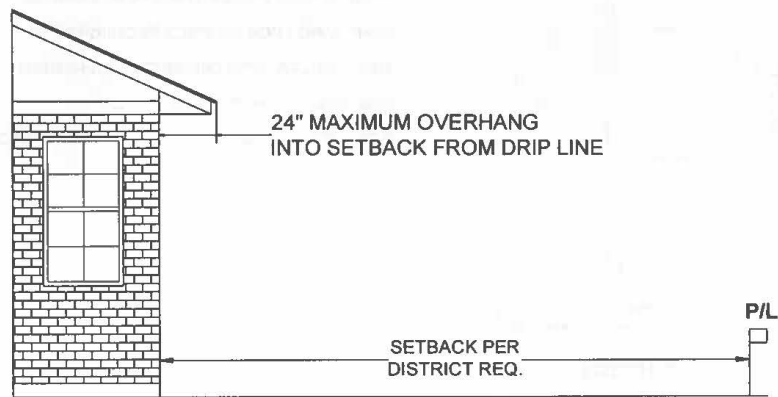


Residential Setback Details

FIGURE 12.2

RESIDENTIAL SETBACK DETAILS

Setbacks shall be measured from the vertical wall, facade or support column closest to the property line. The maximum allowable overhang into the setback zone is two feet (2') measured from the drip line of any canopy, porch, carport, cover, roof, eave or other architectural feature to the vertical wall, façade or support column.



Property Owner Responses

Date: <u>April 14, 2023</u> Name: <u>Millie Morgan</u> Address: <u>1506 S. Houston St.</u> City & State: <u>Kaufman, Texas</u> Phone #: <u>972-962-3857</u>	RE Conduct a public hearing and consider a request from Sanders Johnston, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 15.4.B.1 Minimum Front Yard to allow a covered porch to encroach into the front yard setback of an existing single family house. The property is zoned Single Family Residential - 10 (SF-10). The subject property is located at 1605 South Houston Street (PID 36738), being part of Block 303 of the Snows Second Addition. (Case No. V-05-23) ☒ I AM IN FAVOR ☐ I OBJECT
COMMENTS: <i>Please let Sanders Johnston complete the restoration of Mrs. Adrian Reed's house. The work he has done so far has enhanced the house, and the covered porch will compliment it even more. It will improve the neighborhood.</i>	
<u>MILLIE MORGAN</u> <u>Millie Morgan</u> NAME PRINTED SIGNATURE	
209 SOUTH WASHINGTON • KAUFMAN, TEXAS 75142 • (972) 932-2216 • METRO (972) 962-5321 • FAX (972) 932-0307	

Date: <u>4-17-2023</u> Name: <u>Jimmy Reed</u> Address: <u>1503 S. Houston</u> City & State: <u>Kaufman Texas</u> Phone #: <u>214 538 3578</u>	RE Conduct a public hearing and consider a request from Sanders Johnston, for variances to Chapter 118, "Zoning" of the Code of Ordinances, specifically Section 15.4.B.1 Minimum Front Yard to allow a covered porch to encroach into the front yard setback of an existing single family house. The property is zoned Single Family Residential - 10 (SF-10). The subject property is located at 1605 South Houston Street (PID 36738), being part of Block 303 of the Snows Second Addition. (Case No. V-05-23) ☒ I AM IN FAVOR ☐ I OBJECT
COMMENTS:	
<u>JIMMY REED</u> <u>Jimmy Reed</u> NAME PRINTED SIGNATURE	
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MINUTES
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.

Chairman Elzner called the meeting to order at 6:05 p.m. Tuesday, February 28, 2023. Board Members present were Chairman John Elzner, 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. No one was present in the audience.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

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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)
 - a. The Public Hearing was opened at 6:06 pm.
 - b. Director of Development Services Andrew Bogda presented a report on the variance requests for 1414 Royal Drive (PID 28045). Details of the case can be found in report V-03-23 dated 02-28-2023.
 - c. The Public Hearing was closed at 6:15 p.m.

- d. Board Discussion - None
- e. Board Member Thorpe made a motion to approve the hardship due to other variances being granted for carports in the front yard setback.. The motion was seconded by Board Member Burt. The motion carried by a vote of 5-0.
- f. Board Member Thorpe made a motion to approve the variance for a carport in the front yard setback. 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 February 9, 2023 Regular Meeting.

Board Member Burt made a motion to approve the Zoning Board of Adjustment Minutes with corrections from the February 9, 2023 Regular Meeting. The motion was seconded by Board Member Hunt. The motion carried by a vote of 5-0.

DISCUSSION/ACTION ITEMS

No discussion items at this time.

ADJOURNMENT

Board Member Burt made a motion to adjourn at 6:18 p.m., seconded by Board Member Hunt. The motion carried by a vote of 5 -0.

JOHN ELZNER
CHAIRMAN

JOY HENDERSON
PLANNER I