

JAMES BURGESS

Mayor

RITA BISHOP

Mayor Pro Tem/

Councilmember Place 1

TONY BOVINICH

Councilmember Place 2



JESSICA KUYKENDALL

Councilmember Place 3

GERONIMO HERNANDEZ

Councilmember Place 4

DREW WILSON

Councilmember Place 5

Board Of Adjustment

Venus Civic Center

210 S. Walnut Street

Venus, Texas 76084

April 10, 2023 at 6:00 pm

Page

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance:

2. Citizen Public Comment Period:

Citizens may sign up before the meeting begins and will be allowed up to 3 minutes to address the Board of Adjustment. The Board of Adjustment members and staff members may not respond or converse with speakers during this time. The comments from the speaker must be in the form of a statement. By State law, no questions may be asked or answered for items not appearing on the agenda.

3. Consent Agenda:

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Administrator to implement each item in accordance with staff's recommendation.

- 3.1 Approval of meeting minutes for Board of Adjustment meeting on March 27, 2023.

4 - 6

[Board of Adjustment - Mar 27 2023 - Minutes - Pdf](#)

I make a motion to approve/deny the consent agenda.

4. Public Hearing and Consideration Item:

- 4.1. Public Hearing: Regarding an application for a variance for the property known as 604 & 606 S. Main Street located on the east side of S. Main Street and north side of E. 7th Street to

7 - 18

allow an encroachment of up to 14 feet into the 25-foot-front-yard setback for two existing duplexes . The property is approximately 0.6427 acres (28,000 square-feet). Lots 2 & 3, Block 8, Truelove Addition, City of Venus, Texas 76084.

[1-A Staff Report 604 & 606 Main St.pdf](#)  [1-B Aerial Map.pdf](#)

[1-C Zoning Map.pdf](#)  [1-D NeighborNotice.pdf](#)  [1-E](#)

[Affidavit of Posting.pdf](#)  [1-F Site Plan.pdf](#) 

[1-G Pictures.pdf](#) 

Open Public Hearing:

Close Public Hearing:

- 4.2. Discuss and consider a request from Chad Starks for the following variance to the City of Venus Zoning Ordinance to allow an encroachment of up to 14 feet into the 25-foot-front-yard setback for two existing duplexes. The property is approximately 0.6427 acres (28,000 square-feet). Lots 2 & 3, Block 8, Truelove Addition, City of Venus, Texas 76084.

I make a motion to approve/deny the variance request for the existing duplexes encroaching 14 feet into the 25-foot-front-yard setback, lots 2 & 3, block 8, Truelove Addition Subdivision.

5. Adjournment:

The Board of Adjustment reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, pursuant to authorization by the Texas Open Meetings Act TEXAS GOVERNMENT CODE, Chapter 551.071 (Private consultation with attorney for the city), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

This is to certify that a copy of this Notice of Meeting was posted on the bulletin board at City Hall, 700 W. Hwy 67, Venus, Texas and at a place readily accessible to the general public at all time and the City's website www.cityofvenus.org, on April 6, 2023 by 5:00 pm.

Callie Green,
City Secretary

For more information or a copy of the Open Meetings Act, please contact the Attorney General of Texas at 1-800-252-8011. This building is wheelchair accessible. Any request for Interpretive

services must be made 48 hours in advance of the scheduled meeting. To make arrangements please call 972-366-3348.



Board of Adjustment - Minutes

Monday, March 27, 2023 at 7:00 PM

Venus Civic Center

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance:

Chair, Burgess called the meeting to order at 7:00 pm, gave the Invocation and lead the Pledge of Allegiance.

Members present: James Burgess, Tony Bovinich, Jessica Kuykendall and Geronimo Hernandez.

Members absent: Rita Bishop and Drew Wilson.

Staff present: Tonya Roberts, Oscar Ortiz, Callie Green, Stacey Wyman, Jenny Holt and Brandon Gazaway.

2. Citizen Public Comment Period:

No public comments.

3. Consent Agenda:

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Administrator to implement each item in accordance with staff's recommendation.

- 3.1 Approval of meeting minutes for Board of Adjustment meeting on January 26, 2023.

[Special called Board of Adjustment - Jan 26 2023 - Minutes -](#)

[Pdf](#) 

I make a motion to approve the consent agenda.

Moved by: Geronimo Hernandez

Seconded by: Tony Bovinich

For: Unanimous. Motion carried 3-0-0.

4. PUBLIC HEARING & ACTION ITEM:












4.1 Public Hearing regarding an application for a special exception for property known as 100 E. 6th Street, located on the southeast corner of 5th Street and S. Main Street to allow an encroachment of up to 14 feet into the 15-foot-side-yard setback for an existing metal carport measuring 18 feet by 20 feet.

Open Public Hearing: At 7:03 pm.

No public speakers.

Close Public Hearing: At 7:04 pm.

4.2 Discuss and consider Special Exception to the City of Venus Zoning Ordinance to allow an encroachment of up to 14 feet into the 15-foot-side-yard setback for an existing metal carport measuring 18 feet by 20 feet. The Property is approximately 0.63 acres (27,443 square feet). Lots 1 & 2, Block 1, Truelove Addition, City of Venus, Texas, 76084; (ZBOA2023-0002).

[1A - Staff Report.pdf](#)  [2A - Aerial Map.pdf](#)  [3A - Zoning Map.pdf](#)  [4A - Application.pdf](#)  [5A - Owner's Request.pdf](#)  [6A - Neighbor Notice.pdf](#)  [7A Property owner notification.pdf](#)  [8A - Affidavit of Posting.pdf](#)  [9A - Site Plan.pdf](#)  [10A - TxDOT ROW Acquisition.pdf](#)  [11A - Site Pictures.pdf](#) 

I make a motion to approve the Special Exception Request for an existing metal carport with dimensions of 18 feet by 20 feet encroaching up to 14 feet into the 15-foot-corner-yard setback, lots 1 & 2, Block 1, Truelove Addition Subdivision.

Moved by: Jessica Kuykendall

Seconded by: Geronimo Hernandez

For: Unanimous. Motion carried 3-0-0.

5. Adjournment:

Chair, Burgess adjourned the meeting at 7:36 pm.

Chair

City Secretary

Draft



*Case Report – 604 & 606 S Main St – Variance
ZBOA – April 10, 2023*

To: Zoning Board of Adjustment & Appeals (ZBOA)

From: Oscar Ortiz, CNU-A

Request: Request of Chad Starks for the following variance to the City of Venus Zoning Ordinance to allow an encroachment of up to 14 feet into the 25-foot-front-yard setback for two existing duplexes. The property is approximately 0.6427 acres (28,000 square feet). Lots 2 & 3, Block 8, Truelove Addition, City of Venus, Texas, 76084; (ZBOA2023-0003)

Reason for Appeal: The applicant is requesting a Variance for an encroachment of up to 14 feet into the 25-foot-front-yard setback for two existing duplexes. The applicant states that Texas Department of Transportation (TxDOT) is acquiring the front of his property for right-of-way (ROW) leaving him no choice but to remove the driveway.

Location and Vicinity: The subject property is located on the east side of S Main Street and north side of E 7th Street. The property is comprised of lots 2 & lot 3; the frontage along S Main Street is 200 feet and a depth of 140 feet for a lot size of 28,000 sq. ft. (0.6427 acres). The property is zoned R-2 (Two-Family Residential) District and two duplexes are located on the property. Adjacent zoning is R-1 District to the north, and east, R-3 (Multiple-Family Residential, Low Density) District to the south.

Setbacks: Setbacks are as follows as established and noted on Chapter 34 “Zoning”, Section 34-62 Schedule of District Regulations.

Front Setback: 25 feet	Minimum Lot Width: 80 feet
Side Setback: 8 feet	Minimum Lot Depth: 100 feet
Rear Setback: 25 feet	Maximum Building Area (Percent) 50
Corner Setback: 15 feet	

Zoning: R-2 (Two-Family residential) District

Background and History: Truelove Addition Subdivision was recorded on February 14, 1914. The required front-yard setback is 25 feet. An application for a Variance was submitted to the Planning Department on March 9, 2023. If granted this Variance will allow the duplexes to have a reduced setback..

Analysis: Approval of the variance request would allow an encroachment of 14 feet into the 25-foot-front-yard setback for two existing duplexes. The front-yard setback will be 11 feet. The applicant states that TxDOT is leaving him no choice, but to request a variance.

Staff has not received any phone calls, emails or letters in opposition to the Variance request.

Recommendation:

Staff recommends approval of the Variance request since the duplexes were built prior to TxDOT acquiring the ROW.

Sample

Motion:

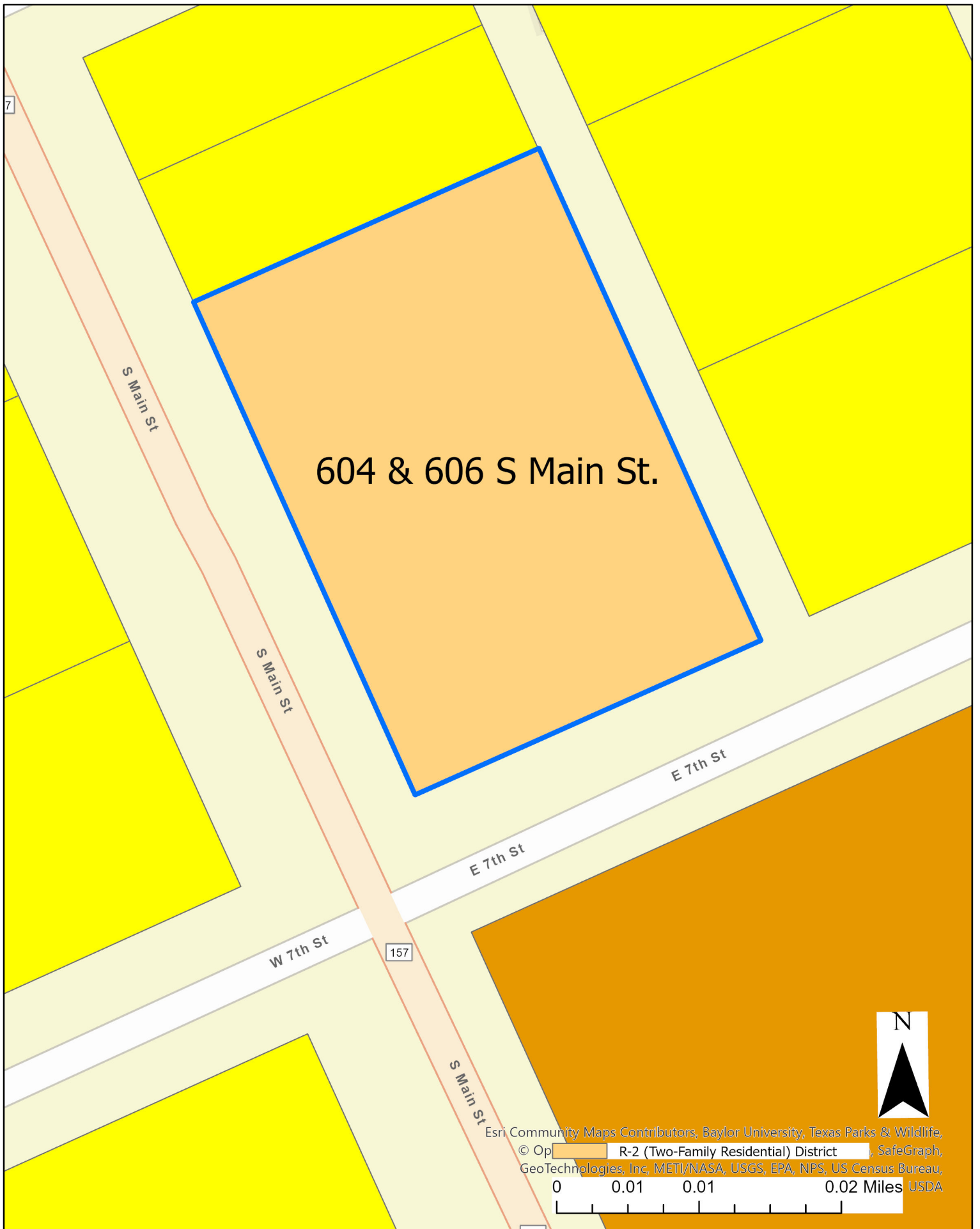
I move to approve/deny the Variance request for the existing duplexes encroaching 14 feet into the 25-foot-front-yard setback, lots 2 &3, Block 8, Truelove Addition Subdivision.

Attachments:

Aerial Map
Zoning Map
Neighbor Notice
Affidavit of posting
Site Plan
Site Pictures



Aerial Map



604 & 606 S Main St.

S Main St

S Main St

E 7th St

E 7th St

W 7th St

157

S Main St

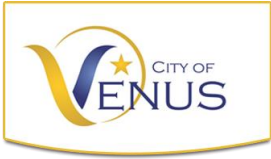


Esri Community Maps Contributors, Baylor University, Texas Parks & Wildlife,
© Op [] R-2 (Two-Family Residential) District SafeGraph,
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,

0 0.01 0.01 0.02 Miles USDA



Zoning Map



March 29, 2023

Dear Property Owner:

I am writing this letter to inform you of an upcoming public hearing, which you may be inclined to attend. The hearing provides residents, especially neighboring landowners such as yourself, the opportunity to voice their opinion on the proposed project to the Zoning Board of Adjustment (ZBOA). The input and opinions of residents and neighboring property owners provide valuable feedback to the ZBOA, City staff, and the applicant. The following is some basic information that pertains to the project.

Application Type: **Variance:** The ZBOA will hear and decide a variance to the terms of City of Venus Zoning Ordinance, Chapter 34, Sec. 34-62 District Regulations.

Summary: **Request:** Request of Chad Starks for the following variance to the City of Venus Zoning Ordinance to allow an encroachment of up to 14 feet into the 25-foot-front-yard setback. The property is approximately 0.6427 acres (28,000 square feet). Lots 2 & 3, Block 8, Truelove Addition, City of Venus, Texas, 76084; (ZBOA2023-0003)

Location/Site Plan: Generally located on the east side of S Main Street and north side of E 7th Street. – *See the reverse side for vicinity map.*

Reviewing Body: The ZBOA will decide on the variance request.

Public Hearing: **April 10, 2023 at 6:00 p.m.**
The hearing will take place at Civic Center, 210 S Walnut St, Venus, TX 76084.

Official Notice Publication: March 30, 2023, on the Cleburne Times newspaper.

City Staff Project Manager: Oscar Ortiz, *City Planner*
(972) 366-3348 extension 206
oortiz@cityofvenus.org

Applicant: Chad Starks Construction LLC, *Property Owner*
111 Marion Road.
Venus, TX, 76084
(972) 948-1817
chadstarksconstruction@yahoo.com

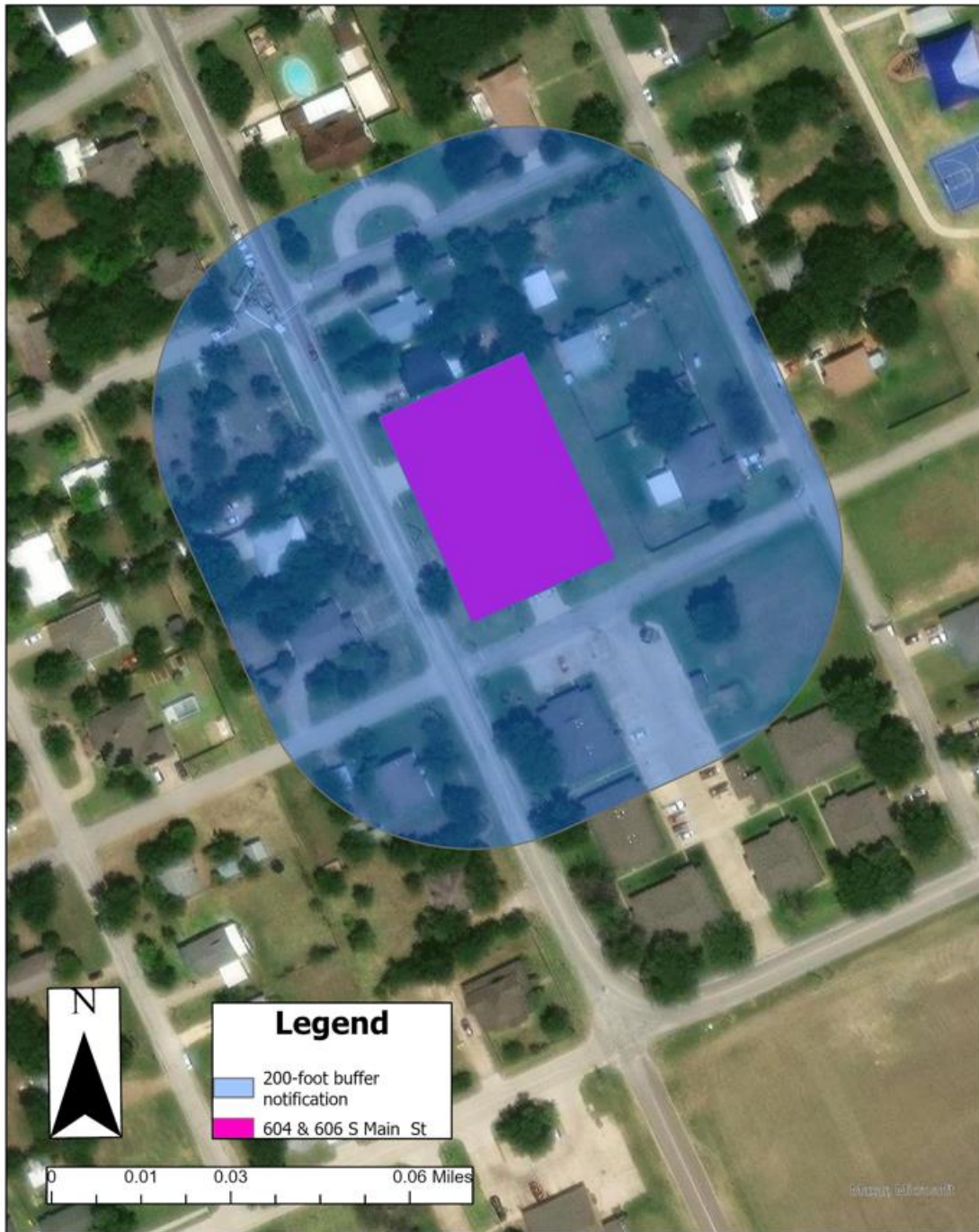
Property Owner: Same as above

Additional Info: This review process allows the Planning Department to determine the completeness of the application, and its adherence to City Codes and policies. The request and application will be reviewed by the ZBOA.

Please do not hesitate to contact me if you have any questions on this project or if you are unable to attend this hearing but would like to submit comment into the record. Thank you for your time.

Best regards,
Oscar Ortiz, City Planner

Vicinity Map




AFFIDAVIT OF POSTING

I, Oscar Ortiz, City Planner with the City of Venus, certify that on March 30, 2023, I posted signage on the east side of S Main Street and north side of E 7th Street for the Zoning Board of Adjustment Public Hearing on April 10, 2023. I also certify that this sign will remain erected and visible from the public right-of-way until all Governing Body decisions are made. If, at any time the sign is not visible from the right-of-way, I certify I will correct the situation as quickly as possible.

The Legal Description is as follows:
TRUELOVE ADDITION, BLOCK 8, LOTS 2 & 3

Photographs of the property with this posting were taken and are attached hereto as Exhibit A.



Oscar Ortiz

03/30/2023
Date: March 30, 2023

STATE OF TEXAS)
)SS.

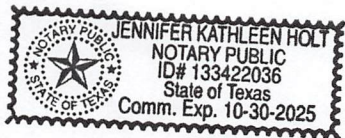
JOHNSON COUNTY)

The foregoing instrument was acknowledged before me this 30th day of March, 2023, by Oscar Ortiz (name), Planning (title)

Witness my hand and official seal.

My commission expires: 10/30/2025.

(SEAL)



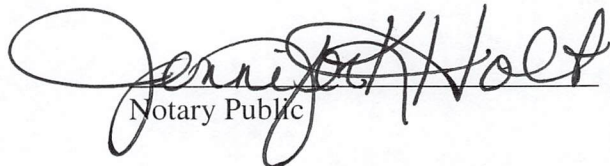
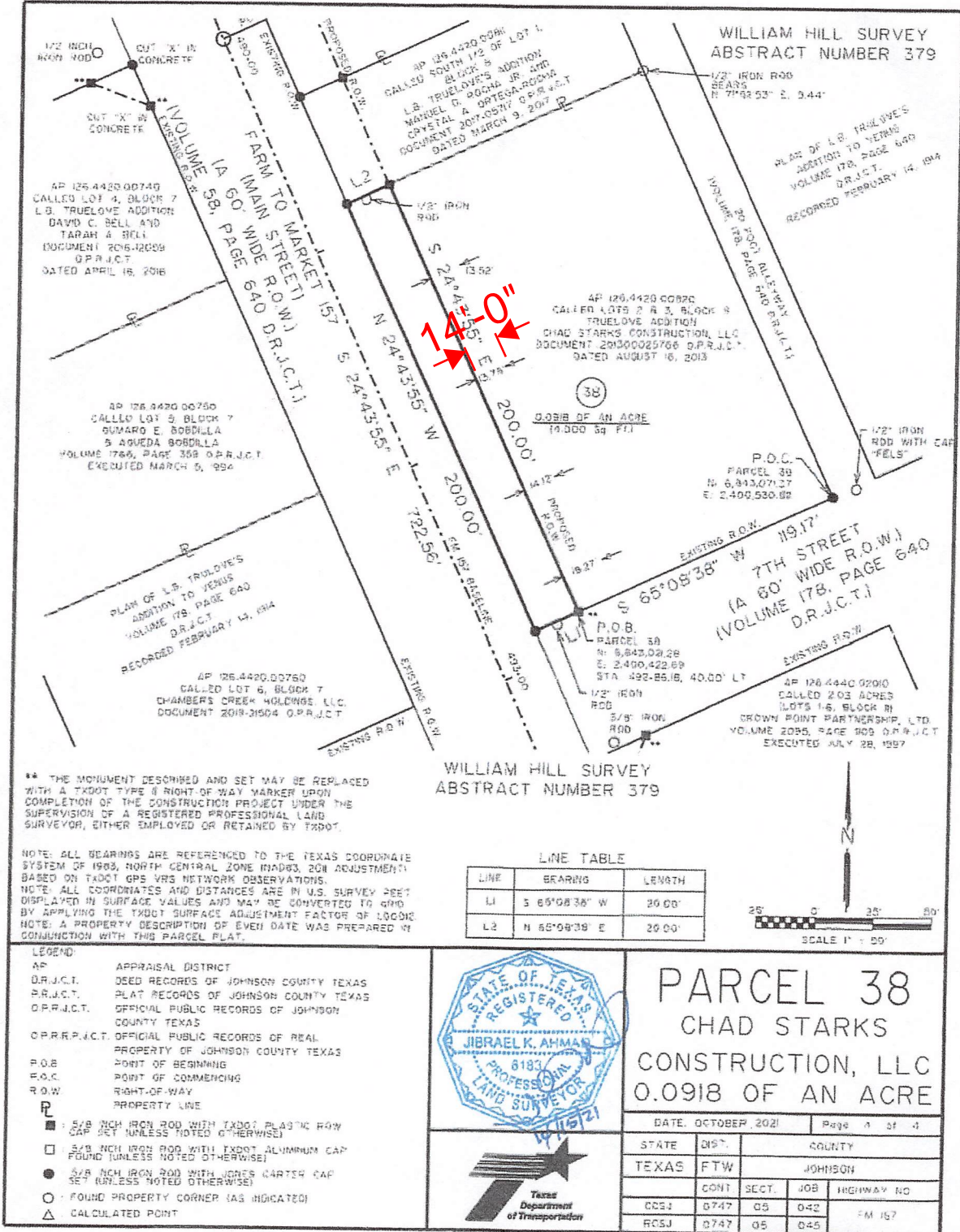

Notary Public

Exhibit A



SURVEY





SPORT
WRANGLER

FRONTIER
WASTE SOLUTIONS
888-884-2705

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