

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS

AGENDA

REGULAR MEETING

April 7, 2015

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. SWEARING IN OF SPEAKERS

IV. MINUTES APPROVAL

A. Consider approval of minutes from October 7, 2014 Board of Adjustment meeting.

V. VISITOR/CITIZENS FORUM

At this time, any person with business before the Board of Adjustment not scheduled on the Agenda may speak to the Board, provided that an official 'Speaker's Request Form' has been completed and submitted to the Board Secretary prior to the start of the meeting. All comments must be directed towards the Chair, rather than individual board members or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

VI. REGULAR ITEMS

A. **CASE # BOA 15-02** to receive comments and consider action on a request by Fellowship Academy for a variance from the requirements of the Bowman Springs Urban Village Planned Development district ordinance to allow four (4) temporary portable classrooms for a period of four (4) years. The variance is requested for 1021 N Bowman Springs Rd, more particularly described as Woodlea Acres Block 1 Lot 20-R-1.

1. Staff Presentation
2. Applicant Presentation
3. Public Hearing
4. Applicant Response
5. Staff Response and Summary
6. Action by the Board of Adjustment

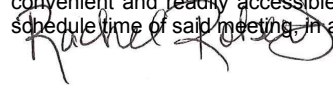
VII. REPORTS/ANNOUNCEMENTS

VIII. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact the City Secretary at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the April 7, 2015, Board of Adjustment & Building Board of Appeals agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.



Rachel Roberts, Board Secretary



Date: April 7, 2015

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from October 7, 2014 Board of Adjustment meeting.

II. Originated by:

Katherine Rountree, Permits Clerk

III. Summary:

Minutes approval for October 7, 2014

IV. Recommendation:

Approve

V. Alternative Actions:

VI. Attachments:

1.	October 7, 2014 minutes	10.07.2014 BOA Minutes Final.doc
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**BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS
MINUTES**

REGULAR MEETING

October 7, 2014

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Chairman Adams called the meeting to order at 7:00 P.M.

II. ROLL CALL

Katherine Rountree called roll.

Present?	Commissioner
X	Rick Adams
Absent	Brian Cassady
X	Jeff Madrid
X	Patrick Vader
X	Martin Young
	<i>Alternates</i>
X	Jeff Nevarez
Absent	Lana Sather
Absent	Richard West

A quorum was present.

Mr. Nevarez was asked to serve as a regular member for the meeting.

Staff present: Bob Hart (city manager); Sandra Johnson (building inspector); Katherine Rountree (board secretary).

III. SWEARING IN OF SPEAKERS

Ms. Rountree swore in those who wished to speak.

IV. MINUTES APPROVAL

A. Review and consider approval of minutes from the May 6, 2014 Board of Adjustment meeting.

Mr. Madrid motioned to approve the minutes. The motion was seconded by Mr. Vader and passed with all in favor.

V. VISITOR/CITIZENS FORUM

No one registered to speak.

VI. REGULAR ITEMS

A. **CASE # BOA 14-07** to receive comments and consider action on a request by Osama Salem for a Special Exception pursuant to the City Code Sections 17-421 and 17-422 to allow operation of an auto inspection station in a "C-1" Restricted Commercial zoning district at 105 W Kennedale Pkwy, more particularly described as City of Kennedale Addition Block 23 Lot 1A.

A. Staff Presentation

Mr. Hart said that the location was zoned "C-2" but to be able to sell beer or wine had to rezone to "C-1" after the City adopted the Wet/Dry Election. He stated that after they rezoned, the mechanic that was leasing had left. He said that the property owner is going to remove the house behind the building to allow more parking. He stated that Osama Salem received a Certificate of Occupancy that said he could do car inspections. He said that the property would have to meet all six qualifications, which Mr. Hart listed, to be granted a special exception. Mr. Vader stated that at the location, Mr. Salem has a sign that states tune ups, which is not allowed, as well as the sign doesn't conform to the code. Staff recommends approval for two years with conditions.

B. Applicant Presentation

Osama Salem, 5220 Corn Valley Dr., Arlington, TX, stated that he started his business about nine months ago. He said he made a list of customers stating that they are okay with him doing business at that location as well as the church located across the street. He said that he leases from the gas station owner and that he abides by the state regulations. He said the reason he has the signs is because when he originally applied for the Certificate of Occupancy it was approved for light mechanic, oil changes, and inspections but has no arguments about conforming.

C. Public Hearing

No one registered to speak.

D. Applicant Response

No one registered to speak so there was no response.

E. Staff Response and Summary

There was no applicant response so there was no staff response.

F. Action by the Board of Adjustment

Mr. Madrid made a motion to approve the request for a special exception for a period of two years, with the following conditions:

1. Parking must be on paved surfaces only, and all parking for the auto inspection station (the required two spaces, plus any other parking spaces used by the auto inspection station or its customers) must be striped within sixty (60) days of the special exception being granted.
2. Parking for this use shall not impede the flow of onsite traffic for the convenience store.
3. No repairs are permitted as part of the auto inspection business.

4. Hours of operation shall be restricted to between 7 A.M. and 7 P.M.
5. Violation of these conditions is grounds for revoking the special exception and/or certificate of occupancy.
6. The applicant shall apply for a renewal of the special exception two years after the date the special exception is granted. If the applicant does not apply for and receive another special exception, the special exception granted under case **BOA 14-07** shall expire.

The motion was seconded by Mr. Vader and passed with all in favor.

VII. REPORTS/ANNOUNCEMENTS

There were no reports or announcements.

VIII. ADJOURNMENT

Mr. Madrid motioned to adjourn. The motion was seconded by Mr. Young and passed with all in favor.

The meeting adjourned at 7:28 P.M.

Rick Adams, Chair

Date

ATTEST:

Katherine Rountree, Board Secretary

Date

Date: April 7, 2015

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

CASE # BOA 15-02 to receive comments and consider action on a request by Fellowship Academy for a variance from the requirements of the Bowman Springs Urban Village Planned Development district ordinance to allow four (4) temporary portable classrooms for a period of four (4) years. The variance is requested for 1021 N Bowman Springs Rd, more particularly described as Woodlea Acres Block 1 Lot 20-R-1.

1. Staff Presentation
2. Applicant Presentation
3. Public Hearing
4. Applicant Response
5. Staff Response and Summary
6. Action by the Board of Adjustment

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Applicant: Fellowship Academy

Location: 1021 N Bowman Springs Rd

Request: variance from the PD district requirements, especially the 80% masonry requirement. Specifically, Fellowship Academy would like to install four (4) portable buildings for a time period up to four (4) years.

Background.

Fellowship Academy is a private school that opened in Kennedale in 2012. The school was established in 2000, but it did not have permanent facilities before opening its facility in Kennedale. Since the new school building's opening, enrollment at Fellowship Academy increased at a faster rate than expected, and the school did not have room to enroll more students. The school planned to raise funds to build seven more classrooms, a cafetorium, and an athletic facility/gymnasium, with the building projects expected to be completed within four years. In the meantime, the school did not have enough space to accommodate its growing student body, and in 2013 it requested a variance to use up to four portable classrooms for a maximum of four years. The board granted the variance, but for two years instead of four.

Since the variance was granted, Fellowship Academy has built the gymnasium but still lacks the additional classroom space. The school is requesting another variance identical to the request made for case BOA 13-02, namely, a variance from the zoning district regulations to allow four portable classrooms for a period of four

years.

The planned development district standards are attached to this message. The standards requiring a variance in order to permit portable classrooms are:

From Section 2.8 (see attached):

The ground floor finish level shall be a maximum of twelve (12) inches above the sidewalk.

From Section 2.9:

All primary and secondary structures shall be constructed of a minimum of 80% masonry or masonry veneer.

The remaining twenty percent (20%) materials used may be determined by the builder/developer from among the following. Vinyl siding and corrugated metal are prohibited.

a. Board and batten;

b. Architectural metals;

c. EIFS, except that EIFS shall only be permitted on facades ten (10) feet or more above the finished grade of the sidewalk along that façade.

Board of Adjustment authority for approval.

Through city code Sec. 17-430(e)(9), the Board of Adjustment has the authority to:

Permit variances to the development regulations...such as the front yard, side yard, rear yard, lot width, lot depth, lot coverage, minimum setback, off-street parking, off-street loading, lot area, maximum height, or other building regulations, where the literal enforcement of the provisions of this article would result in an unnecessary hardship, or where such variance is necessary to permit the reasonable development of a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district...

Action by the Board of Adjustment.

The board may approve the request for a variance, deny the request, or continue (postpone) your consideration of the request. If you continue the agenda item, your motion must state the date and time when the request will be considered again.

Sample motions.

Sample motions are provided below for your reference. You are not required to use any of the sample motions.

I find the request to meet the standards for a variance and make a motion to approve Case # BOA 15-02 to grant a variance from the maximum finish floor height and materials requirements of the zoning district regulations.

I find the request does not meet the standards for a variance and make a motion to deny Case # BOA 15-02.

I make a motion to continue consideration of Case BOA 15-02 until .

IV. Recommendation:

V. Alternative Actions:

VI. Attachments: