

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS
AGENDA
REGULAR MEETING
July 5, 2016
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 May 3, 2016 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 16-03** to receive comments and consider action on a request by Jose Jaime for a Special Exception as required by City Code Section 17-421, Schedule of uses and off-street parking requirements, to allow a salvage yard in an "I" Industrial district at 6940 E Kennedale Parkway, more particularly described as W H Hudson Addn Lot 1.

B. **CASE # BOA 16-04** to receive comments and consider action on a request by Ned Webster for a Variance to City Code Section 17-405, Zoning districts generally, to allow encroachment into side setback by 15 inches in an "R-2" Single Family district at 937 Little School Rd, more particularly described as Rocking H Ranch Addn Lot 1 Blk 1.

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 July 5, 2016, 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.

A handwritten signature in cursive script that reads "Rachel Roberts". The signature is written in dark ink and is positioned above a horizontal line.

Rachel Roberts, Board Secretary



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: July 5, 2016

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from May 3, 2016 Board of Adjustment meeting.

II. Originated by:

Katherine Rountree, Permits Clerk

III. Summary:

Consider approval of minutes from May 3, 2016 Board of Adjustment meeting.

IV. Recommendation:

Approve

V. Alternative Actions:

VI. Attachments:

1.	05.03.2016 BOA Minutes	05.03.2016 BOA Minutes(final).docx
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BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS
MINUTES
REGULAR MEETING
May 3, 2016
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mr. Clark called the meeting to order at 7:01 P.M.

II. ROLL CALL

Present?	Commissioner
X	John Clark
X	Brian Cassady
X	Jeff Madrid
X	Patrick Vader
X	Martin Young
	<i>Alternates</i>
X	Jeff Nevarez
X	Lana Sather
	<i>Vacant</i>

A quorum was present.

Staff present: Rachel Roberts (city planner); Katherine Rountree (board secretary).

III. SWEARING IN OF SPEAKERS

Ms. Rountree swore in those who wished to speak.

IV. MINUTES APPROVAL

A. Consider approval of minutes from April 5, 2016 Board of Adjustment meeting

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

V. VISITOR/CITIZENS FORUM

No one signed up to speak

VI. REGULAR ITEMS

A. **CASE # BOA 16-01** to hold a public hearing and consider action on a request by Tien Tran for a Special Exception as required by City Code Section 17-421, Schedule of Uses and

Off-Street Parking Requirements, to allow a vehicle storage facility in an "I" Industrial zoning district at 7084 E Kennedale Pkwy, more particularly described as Elam Addition Block 1 Lots 1-3.

1. Staff Presentation

Ms. Roberts said last month the board asked the applicant to submit a site plan. She said he would still have to get a Certificate of Occupancy and Business License and have an inspection by the Fire Department and Building Official. She said that there are three separate lots. The first lot would be truck parking, the second lot would be truck repair and the third lot would not be used at this time. She said that the applicant has enough parking needed for both uses. Staff recommended at least 10 parking spaces for truck repair and 6 spaces for truck storage. She said the unpaved surface would be prohibited from being used and that there will be a reserved lane for the Fire Department.

2. Applicant Presentation

Tony Tran, translating for Tien Tran, went over how the proposed use would meet the standards for the special exception. The board asked the applicant questions about parking, security, and leasing requirements.

3. Public Hearing

No one signed up to speak.

4. Applicant Response

There was no applicant response.

5. Staff Response and Summary

Staff recommends approval with the following conditions:

1. The applicant shall tie into the city water and waste water systems if the property owner is not already connected.
2. The parking lot shall be restriped and approved by the city within 90 days of the special exception being granted.
3. The area to be used for vehicle storage and the area to be used for truck repair shall also be striped or otherwise marked (as approved by city staff during the Certificate of Occupancy permitting process) to allow for storage and parking in an orderly and safe manner and to ensure an adequate number of spaces are provided for the proposed uses.
4. Only the areas paved with asphalt or concrete shall be used for storing vehicles, customer or employee parking, or any kind of access or circulation. No portions of lot 2 or any other unpaved area shall be permitted to be used for any purpose, including access and circulation, unless those areas are paved with asphalt or concrete as approved by the city.
5. If additional areas are paved, the applicant shall provide additional storm water facilities subject to review and approval by the city's storm water department.
6. At least six (6) parking spaces shall be provided in the custom/visitor parking lot for the vehicle storage use and maintained in good condition at all times.
7. At least ten (10) parking spaces for the truck repair use for customers and employees shall be provided. These spaces shall be reserved for customers visiting the site and employees and shall not be used for parking of trucks awaiting repair.
8. The special exception shall expire in two (2) years from the date the special exception was

granted. If the applicant does not re-apply for a special exception at expiration or if the board does not grant an additional special exception at that time, the use shall be deemed illegal, and the business shall be required to cease operations.

6. Motion by the Board of Adjustments

Mr. Vader motioned to approve the special exception with the above listed conditions. The motion was seconded by Mr. Madrid and passed with all in favor.

VII. REPORTS/ANNOUNCEMENTS

A. Update on past BOA cases and other city business

Ms. Roberts went over past cases with the board and the status of their special exceptions.

KKB Bird Habitat cleanup will be on May 14, 2016.

KidFish and Bark in the Park will be on May 21, 2016.

The Charter Election will be on May 7, 2016.

Patsy Cline and Elvis will be at the Senior Center on May 6, 2016 at 6 P.M.

VIII. ADJOURNMENT

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

Date: July 5, 2016

Agenda Item No: REGULAR ITEMS (A)

I. SUBJECT

CASE # BOA 16-03 to receive comments and consider action on a request by Jose Jaime for a Special Exception as required by City Code Section 17-421, Schedule of uses and off-street parking requirements, to allow a salvage yard in an "I" Industrial district at 6940 E Kennedale Parkway, more particularly described as W H Hudson Addn Lot 1.

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Special exception to allow a salvage yard
Applicant	Jose Jaime of AB's 1 Auto Parts
Location	6940 Kennedale Pkwy (south end of Kennedale Pkwy)
Surrounding Uses	Commercial and industrial uses, residential uses
Future Land Use Plan Designation	Light Industrial
Staff Recommendation	Approve with conditions for a period of three (3) years

CURRENT STATUS OF PROPERTY

This property is zoned "I" - Industrial. According to the business license applications on file, the business has been in operation since at least February 1999. The first special exception for a salvage yard at this location was granted in 2002; a history of the special exceptions granted at this site is provided at the end of this report.

The Future Land Use Plan identifies this property as within a Light Industrial character district, which is intended to accommodate light industrial uses rather than heavy ones, and the properties across the street are identified being as within an Urban Corridor, which is intended to be generally commercial in nature.

SURROUNDING PROPERTIES & NEIGHBORHOOD

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is located at the south end of Kennedale Pkwy, not far from the city limits. Many of the surrounding land uses are commercial or industrial in character, but there are some residential uses

located nearby. The closest residential area is separated from the AB's property by a railroad line, and AB's operations are not clearly visible from that neighborhood.

SPECIAL EXCEPTION HISTORY

This business has been in operation since at least February 1999 (the business provided Feb. 1999 as the business start date on a business permit application).

Special exception history:

- Granted in April 2002 for two years
 - Reviewed April 1, 2003 – Tabled until June 2003;
 - Reviewed June 3, 2003 - No action taken;
- Reviewed June 1, 2004 – Stacking in question. Tabled;
- Reviewed August 3, 2004 – Renewed for 2 years with annual reviews;
- Expired in 2006;
- Granted in May 2014 for one year;
- Granted in June 2015 for one year;

ANALYSIS

STANDARDS FOR GRANTING A SPECIAL EXCEPTION.

No application for a special exception shall be granted by the Board of Adjustment unless the board finds all of the conditions described below are present.

STANDARD 1

The board must find that the establishment, maintenance or operation of the use will not be materially detrimental to or endanger the public health, safety, morals or general welfare.

Mr. Jaime's application should demonstrate that the salvage yard does not have a negative on the public health, safety, or general welfare. Potential elements of a salvage yard operation that could affect general welfare include the following.

- *Noise*
- *Light*
- *Pollution (in soil, air, or storm water)*
- *Crime (salvaging stolen cars)*

NOISE

At the last special exception hearing for this property, the staff presentation noted that city staff had not observed noise levels in excess of city code and have not received complaints from neighbors, and this is still the case. However, once the special exception is approved, there is nothing to prevent the business from changing its operations in a way that raises noises to a nuisance level.

If the board approves the special exception application, Mr. Jaime should be aware that the approval is based, in part, on the business not creating nuisance noise levels, and that any changes to operations that cause an increase in noise may require staff to ask the board to consider revoking the special

exception. **In addition, staff recommends continuing the noise/hours restriction placed on the previous special exception if the board approves the special exception requested in this case.**

LIGHT

It does not appear that lights from this business would be visible from Danny Dr. (the nearby residential neighborhood), so staff is not concerned about lighting as a nuisance or harm to the general welfare at this time.

If the board approves the special exception request, staff recommends adding a condition **that if the business adds or changes any exterior lighting on site, the lighting must be kept to a level that is not visible to nearby residential areas.**

POLLUTION

Staff are not aware of any violations documented by the Texas Commission on Environmental Quality. However, there are many opportunities for pollution from a salvage yard. The applicant should speak to how his operation prevents contamination of soil, air, or water. In addition, some salvage yard operators hire consultants to verify their operations are meeting regulations. **If the applicant has reports generated by any consultants hired for that purpose, he should submit copies of these reports so the Board can review them.**

CRIME

The business is not known to be involved with any activity related to auto theft.

OTHER HAZARDS

The kinds of materials and chemicals that can be present at a salvage yard present a potential for fire or explosions, with the potential to affect persons and property within a half-mile radius (see attached handout from the EPA). However, the city's fire chief is not concerned about fire on this property spreading to surrounding properties.

STANDARD 2

The board must find that the requested use will not impair or diminish the establishment, maintenance, or operation of, or use, values, or enjoyment of other property in the neighborhood for purposes already permitted.

This would include continuance of existing uses.

EXISTING AND PERMITTED USES IN THE VICINITY OF THIS LOCATION

INDUSTRIAL. The existing salvage yards adjacent to AB's are not likely to be impaired by the continued operation of AB's auto salvage.

COMMERCIAL. In addition to salvage yards, other businesses in the vicinity are a combination of commercial and industrial uses, including the Tarrant County maintenance facility, a restaurant, and a feed store. The presence of the salvage yard has not impaired the continued operation of these businesses, but many of the surrounding businesses are located in older structures that could benefit

from improvements. New businesses, however, that might be interested in building a new facility could be discouraged from investing in this area if the salvage yard is not maintained properly and if it is not screened well.

NEIGHBORHOOD (MOBILE HOME). Generally, salvage yards are not suitable to be located next to an existing neighborhood. A salvage yard could easily impair or diminish the use and enjoyment of a residential neighborhood. However, as long as the business is managed well so that any negative aspects of the operations do not spill over onto or affect the residential areas, then as long as city does not received any complaints about this business from nearby residents and staff does not observe any problems, staff will consider that AB's is not impeding the use and enjoyment of the property along Danny Drive for current residents at this time.

STANDARD 3

The board must find that the establishment of the use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Would the requested use be likely to impede the development and improvement of surrounding property for uses already permitted in the area but that don't exist there now? Would it impede improvement of property for existing uses?

The properties are either side of AB's property are primarily zoned for light industrial use. Permitted light industrial uses include, but are not limited to:

- distribution center;
- ice cream plant;
- contractor yard;
- pottery manufacturing; and
- welding shop.

Some light industrial uses--especially those that do not depend on customers visiting their facilities--would be willing to locate near a salvage yard. Those with clients who visit their facilities or that prefer a more commercial-looking environment could object to being located near a use with such an industrial character. In addition, properties located very near AB's to the rear are residences along Danny Drive. Some of the property owners in the nearby neighborhood have expressed to city staff that they would like their part of the community to be cleaned up and that they dislike having so many commercial/industrial businesses located so closely. The presence of a salvage yard this close to the neighborhood door has the potential to inhibit the orderly improvement of that neighborhood.

Therefore, the presence of a salvage yard has the potential to impede the normal and orderly development and improvement of surrounding property. Whether development is impeded partly depends on how the salvage yard is operated. Mr. Jaime should provide information to the board about how his salvage yard will not impede the normal and orderly development of the surrounding properties for the uses permitted in the district, including how he controls for any potential environmental problems due to the nature of his business.

STANDARD 4

The board must find that adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

According to Public Works staff, the business is served by all necessary site improvements.

STANDARD 5

The board must find that adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

"Adequate measures" would include an adequate drive approach, deceleration lane if needed, etc.

According to Public Works staff, adequate measures have been provided.

STANDARD 6

The board must find that the use shall conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located.

AREA, YARD, HEIGHT, LOT COVERAGE, BUILDING SIZE, & EXTERIOR REQUIREMENTS

The Industrial zoning district does not have a minimum requirement for lot area or building size and has no masonry requirement.

PARKING REGULATIONS

Adequate parking for customers has been provided.

FIRE LANE

A previous special exception required the applicant to meet with the fire department staff and designate a fire lane. Mr. Jaime met with fire department staff for that purpose, and although a fire lane was designated, fire department staff notified Mr. Jaime that asphalt or gravel was not required.

STAFF RECOMMENDATION

Based on the above analysis, staff recommends approval of the special exception subject to the conditions listed below, which are intended to ensure the continued operation of AB's meets the requirements of a special exception.

RECOMMENDED CONDITIONS OF APPROVAL:

- 1) The special exception shall be granted for a maximum of three (3) years, to expire in May 2019.

- 2) Outdoor storage areas must be maintained in good condition, with adequate gravel fill in place at all times, with what is considered adequate to be determined by the fire department.
- 3) No outside storage shall be permitted on grass or other areas that are unpaved or without gravel.
- 4) Any heavy-duty equipment or other equipment that may create loud noises shall be prohibited from use before 8 AM or after 8 PM.
- 5) If the business adds or changes any exterior lighting on site, the lighting must be kept to a level that is not visible to nearby residential areas.

ACTION BY THE BOARD OF ADJUSTMENT

The board may grant or deny the request or postpone its vote until a later date. If you postpone your decision, you should state in your motion when the case will be heard by the board again. Sample motions are provided for your reference below. You are not required to use either of the motions provided, but your motion should state why you are granting or denying the request.

Approval with Conditions: Based on the evidence and testimony provided, I find that the proposed use can meet the standards for a special exception under certain conditions and make a motion to approve the requested special exception with the following conditions [list conditions].

Deny: Based on the evidence and testimony provided, I find that the proposed use does not meet [list standards for a special exception not met] and make a motion to deny the request.

Symbols

- BOA 16-03 site
- Kennedale city limits

Map showing property lines and lot numbers. The highlighted site is located near E KENNEDALE PARKWAY. Lot numbers include 1106, 1201, 1220, 1224, 529, 537, 3850, 7141, 7161, 1200, 1050, 528, 7001, 7003, 7049, 7083, 7089, 7015, 7040, 7084, 7098, 4040, 4062, 4010, 6915, 6935, 6945, 6990, 6992, 7052, 7002, 7060, 7064, 7066, 7068, 7069, 7070, 7071, 7072, 7073, 7074, 7075, 7076, 7077, 7078, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099, 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129, 7130, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7140, 7141, 7142, 7143, 7144, 7145, 7146, 7147, 7148, 7149, 7150, 7151, 7152, 7153, 7154, 7155, 7156, 7157, 7158, 7159, 7160, 7161, 7162, 7163, 7164, 7165, 7166, 7167, 7168, 7169, 7170, 7171, 7172, 7173, 7174, 7175, 7176, 7177, 7178, 7179, 7180, 7181, 7182, 7183, 7184, 7185, 7186, 7187, 7188, 7189, 7190, 7191, 7192, 7193, 7194, 7195, 7196, 7197, 7198, 7199, 7200, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7210, 7211, 7212, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7226, 7227, 7228, 7229, 7230, 7231, 7232, 7233, 7234, 7235, 7236, 7237, 7238, 7239, 7240, 7241, 7242, 7243, 7244, 7245, 7246, 7247, 7248, 7249, 7250, 7251, 7252, 7253, 7254, 7255, 7256, 7257, 7258, 7259, 7260, 7261, 7262, 7263, 7264, 7265, 7266, 7267, 7268, 7269, 7270, 7271, 7272, 7273, 7274, 7275, 7276, 7277, 7278, 7279, 7280, 7281, 7282, 7283, 7284, 7285, 7286, 7287, 7288, 7289, 7290, 7291, 7292, 7293, 7294, 7295, 7296, 7297, 7298, 7299, 7300, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7324, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336, 7337, 7338, 7339, 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7348, 7349, 7350, 7351, 7352, 7353, 7354, 7355, 7356, 7357, 7358, 7359, 7360, 7361, 7362, 7363, 7364, 7365, 7366, 7367, 7368, 7369, 7370, 7371, 7372, 7373, 7374, 7375, 7376, 7377, 7378, 7379, 7380, 7381, 7382, 7383, 7384, 7385, 7386, 7387, 7388, 7389, 7390, 7391, 7392, 7393, 7394, 7395, 7396, 7397, 7398, 7399, 7400, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429, 7430, 7431, 7432, 7433, 7434, 7435, 7436, 7437, 7438, 7439, 7440, 7441, 7442, 7443, 7444, 7445, 7446, 7447, 7448, 7449, 7450, 7451, 7452, 7453, 7454, 7455, 7456, 7457, 7458, 7459, 7460, 7461, 7462, 7463, 7464, 7465, 7466, 7467, 7468, 7469, 7470, 7471, 7472, 7473, 7474, 7475, 7476, 7477, 7478, 7479, 7480, 7481, 7482, 7483, 7484, 7485, 7486, 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7511, 7512, 7513, 7514, 7515, 7516, 7517, 7518, 7519, 7520, 7521, 7522, 7523, 7524, 7525, 7526, 7527, 7528, 7529, 7530, 7531, 7532, 7533, 7534, 7535, 7536, 7537, 7538, 7539, 7540, 7541, 7542, 7543, 7544, 7545, 7546, 7547, 7548, 7549, 7550, 7551, 7552, 7553, 7554, 7555, 7556, 7557, 7558, 7559, 7560, 7561, 7562, 7563, 7564, 7565, 7566, 7567, 7568, 7569, 7570, 7571, 7572, 7573, 7574, 7575, 7576, 7577, 7578, 7579, 7580, 7581, 7582, 7583, 7584, 7585, 7586, 7587, 7588, 7589, 7590, 7591, 7592, 7593, 7594, 7595, 7596, 7597, 7598, 7599, 7600, 7601, 7602, 7603, 7604, 7605, 7606, 7607, 7608, 7609, 7610, 7611, 7612, 7613, 7614, 7615, 7616, 7617, 7618, 7619, 7620, 7621, 7622, 7623, 7624, 7625, 7626, 7627, 7628, 7629, 7630, 7631, 7632, 7633, 7634, 7635, 7636, 7637, 7638, 7639, 7640, 7641, 7642, 7643, 7644, 7645, 7646, 7647, 7648, 7649, 7650, 7651, 7652, 7653, 7654, 7655, 7656, 7657, 7658, 7659, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7667, 7668, 7669, 7670, 7671, 7672, 7673, 7674, 7675, 7676, 7677, 7678, 7679, 7680, 7681, 7682, 7683, 7684, 7685, 7686, 7687, 7688, 7689, 7690, 7691, 7692, 7693, 7694, 7695, 7696,

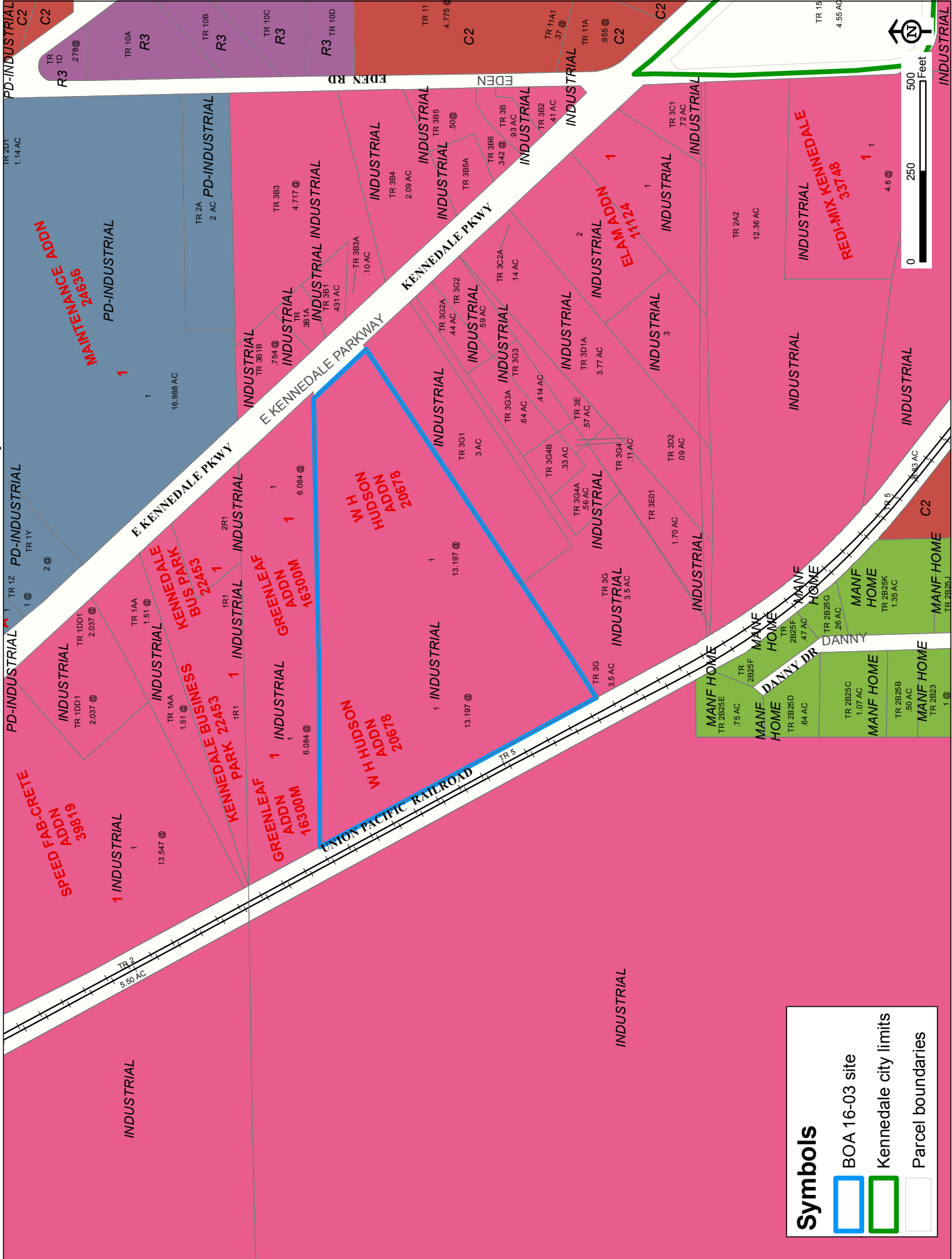


4048 4058

BOA 16-03 site

Kennedale city limits

6940 E Kennedale Pkwy



Symbols

BOA 16-03 site

Kennedale city limits

Parcel boundaries

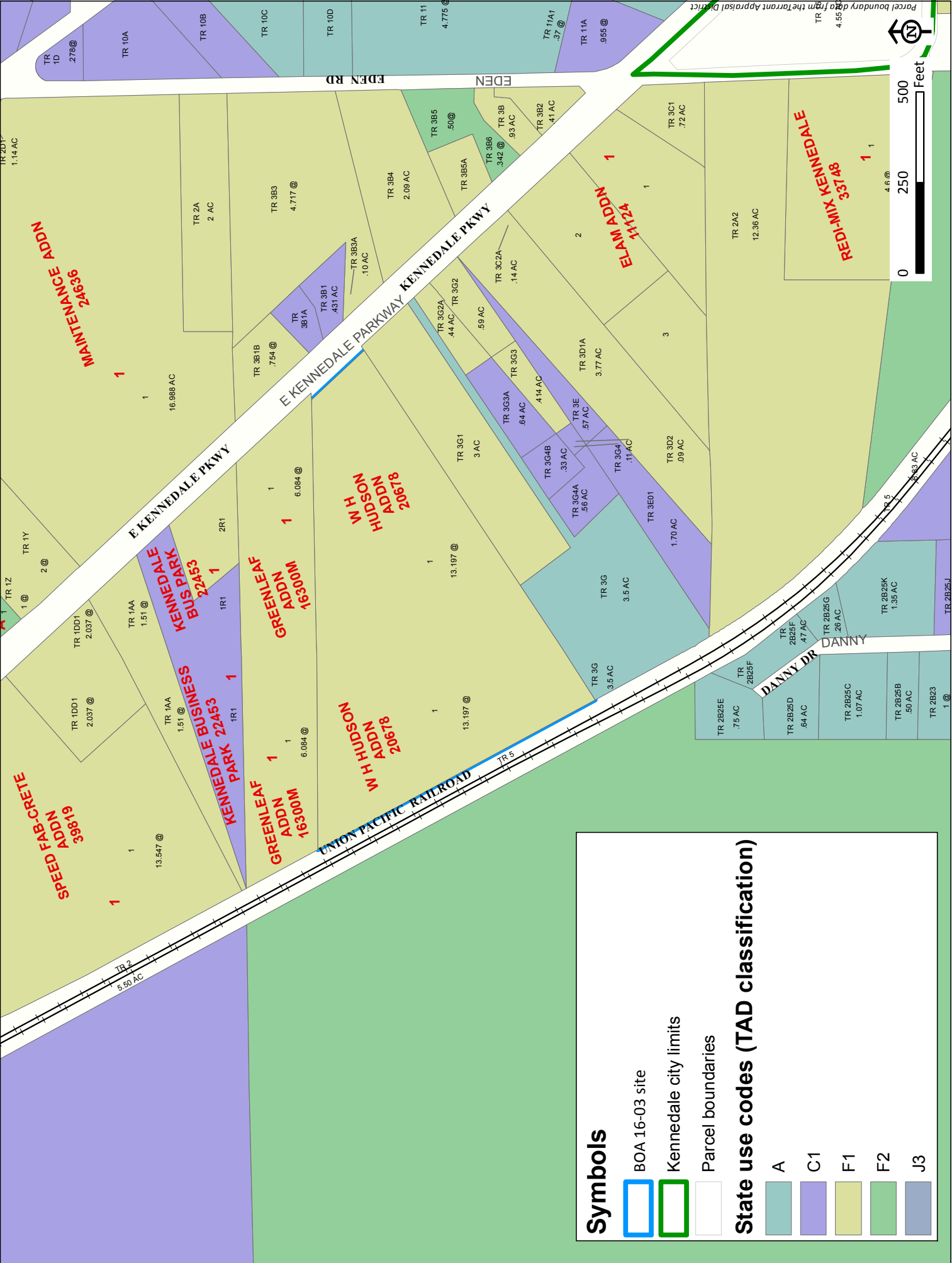


Map data from North Central Texas Council of Governments

6940 E Kennedale Pkwy



Land Uses around 6940 E Kennedale Pkwy



Road data from North Central Texas Council of Governments

STATE USE CODES

A RESIDENTIAL	
A1	Single-Family
A2	Mobile Homes
A3	Condominiums
A4	Townhomes
A5	Planned Unit Development (PUD)
A9	Interim use

B RESIDENTIAL	
B1	Multi-Family
B2	Duplex
B3	Triplex
B4	Quadraplex

C VACANT PLATTED LOTS/TRACTS	
C1	Residential
C2	Commercial
C3	Rural
C6	Vacant Exempt (Right-of-Way)

D ACREAGE	
D1	Ranch Land
D2	Timberland
D3	Farmland
D4	Undeveloped

E FARM/RANCH	
E1	House + Limited Acres
E2	Mobile Home + Limited Acres
E3	Other Improvements

F COMMERCIAL/INDUSTRIAL	
F1	Commercial
F2	Industrial
F3	Billboards

G OIL/GAS/MINERAL RESERVES	
G1	Oil/Gas/Mineral Reserves

J UTILITIES	
J1	Water Systems
J2	Gas Companies
J3	Electric Companies
J4	Telephone Companies
J5	Railroads
J6	Pipelines
J7	Cable Companies
J8	Other

L COMMERCIAL/INDUSTRIAL	
L1	Commercial BPP
L2	Industrial BPP

M MOBILE HOMES	
M2	Private Aircraft
M3	Mobile Home
M4	Other Tangible PP

O RESIDENTIAL INVENTORY	
O1	Vacant
O2	Improved

INDUSTRIAL STORMWATER

FACT SHEET SERIES

Sector M: Automobile Salvage Yards



U.S. EPA Office of Water
EPA-833-F-06-028
December 2006

What is the NPDES stormwater permitting program for industrial activity?

Activities, such as material handling and storage, equipment maintenance and cleaning, industrial processing or other operations that occur at industrial facilities are often exposed to stormwater. The runoff from these areas may discharge pollutants directly into nearby waterbodies or indirectly via storm sewer systems, thereby degrading water quality.

In 1990, the U.S. Environmental Protection Agency (EPA) developed permitting regulations under the National Pollutant Discharge Elimination System (NPDES) to control stormwater discharges associated with eleven categories of industrial activity. As a result, NPDES permitting authorities, which may be either EPA or a state environmental agency, issue stormwater permits to control runoff from these industrial facilities.

What types of industrial facilities are required to obtain permit coverage?

This fact sheet specifically discusses stormwater discharges from automobile salvage yards as defined by Standard Industrial Classification (SIC) and includes battery reclaimers, salvage yards, and automobile recyclers (Primary SIC 5015). Facilities and products in this group fall under the following categories, all of which require coverage under an industrial stormwater permit:

- ◆ Activities related to dismantling of used motor vehicles for the purpose of selling parts
- ◆ Wholesale or retail distribution of used motor vehicle parts

What does an industrial stormwater permit require?

Common requirements for coverage under an industrial stormwater permit include development of a written stormwater pollution prevention plan (SWPPP), implementation of control measures, and submittal of a request for permit coverage, usually referred to as the Notice of Intent or NOI. The SWPPP is a written assessment of potential sources of pollutants in stormwater runoff and control measures that will be implemented at your facility to minimize the discharge of these pollutants in runoff from the site. These control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary, with a copy of the SWPPP kept on-site. The industrial stormwater permit also requires collection of visual, analytical, and/or compliance monitoring data to determine the effectiveness of implemented BMPs. For more information on EPA's industrial stormwater permit and links to State stormwater permits, go to www.epa.gov/npdes/stormwater and click on "Industrial Activity."

What pollutants are associated with my facility's activities?

Pollutants conveyed in stormwater discharges from automobile salvage yards will vary. There are a number of factors that influence to what extent industrial activities and significant materials can affect water quality.

- ◆ Geographic location
- ◆ Topography
- ◆ Hydrogeology
- ◆ Extent of impervious surfaces (i.e., concrete or asphalt)
- ◆ Type of ground cover (e.g., vegetation, crushed stone, or dirt)
- ◆ Outdoor activities (e.g., material storage, loading/unloading, vehicle maintenance)
- ◆ Size of the operation
- ◆ Type, duration, and intensity of precipitation events

The activities, pollutant sources, and pollutants detailed in Table 1 are commonly found at automobile salvage yards.

Table 1. Common Activities, Pollutant Sources, and Associated Pollutants at Automobile Salvage Yards

Activity	Pollutant Source	Pollutant
Vehicle Dismantling	Oil, anti-freeze, batteries, gasoline, diesel fuel, hydraulic fluids, electrical switches	Oil and grease, ethylene glycol, heavy metals, mercury
Used Parts Storage	Batteries, chrome bumpers, wheel balance weights, tires, rims, filters, radiators, catalytic converters, engine blocks, hub caps, doors, drivelines, galvanized metals, mufflers	Sulfuric acid, galvanized metals, oil and grease, heavy metals, petroleum hydrocarbons, total suspended solids (TSS)
Outdoor Vehicle and Equipment Storage	Leaking engines, chipping/corroding bumpers, chipping paint, galvanized metal	Oil and grease, arsenic, organics, heavy metals, total suspended solids (TSS)
Vehicle and Equipment Maintenance	Parts cleaning	Chlorinated solvents, oil and grease, heavy metals, acid/alkaline wastes
	Waste disposal of greasy rags, oil filters, air filters, batteries, hydraulic fluids, transmission fluids, radiator fluids, degreasers	Oil, heavy metals, chlorinated solvents, acid/alkaline wastes oil, heavy metals, chlorinated solvents, acid/alkaline wastes, ethylene glycol
	Spills of oil, degreasers, hydraulic fluids, transmission fluid, and radiator fluids	Oil, arsenic, heavy metals, organics, chlorinated solvents, ethylene glycol
	Fluids replacement, including oil, hydraulic fluids, transmission fluid, and radiator fluids	Oil, arsenic, heavy metals, organics, chlorinated solvents, ethylene glycol
Vehicle, Equipment, and Parts Washing Areas	Washing and steam cleaning waters	Oil and grease, detergents, heavy metals, chlorinated solvents, phosphorus, salts, suspended solids
Liquid Storage in Above Ground Storage Tanks	External corrosion and structural failure	Fuel, oil and grease, heavy metals, materials being stored
	Installation problems	
	Spills and overfills due to operator error	
Illicit Connection to Storm Sewer	Sanitary water	Bacteria, biochemical oxygen demand (BOD), suspended solids
	Floor drains	Oil and grease, heavy metals, chlorinated solvents, fuel, ethylene glycol
	Vehicle washwaters	Oil and grease, detergents, metals, chlorinated solvents, phosphorus, suspended solids
	Radiator flushing wastewater	Ethylene glycol
	Leaking underground storage tanks	Materials stored or previously stored

What BMPs can be used to minimize contact between stormwater and potential pollutants at my facility?

A variety of BMP options may be applicable to eliminate or minimize the presence of pollutants in stormwater discharges from automobile salvage yards. You will likely need to implement a combination or suite of BMPs to address stormwater runoff at your facility. Your first consideration should be for pollution prevention BMPs, which are designed to prevent or minimize pollutants from entering stormwater runoff and/or reduce the volume of stormwater requiring management. Prevention BMPs can include regular cleanup, collection and containment of debris in storage areas, and other housekeeping practices, spill control, and employee training. It may also be necessary to implement treatment BMPs, which are engineered structures, intended to treat stormwater runoff and/or mitigate the effects of increased stormwater runoff peak rate, volume, and velocity. Treatment BMPs are generally more expensive to install and maintain and include oil-water separators, wet ponds, and proprietary filter devices.

The management practices discussed herein are well suited mechanisms to prevent or control the contamination of stormwater discharges associated with automobile salvage yards. In general, it is important to develop a stormwater management policy statement, review the policy with employees, and keep it posted. Additionally, identifying weaknesses in current facility practices will aid the permittee in determining appropriate BMPs that will achieve a reduction in pollutant loadings.

All facilities should implement BMPs in the following areas of the site:

- ◆ Vehicle dismantling and maintenance areas
- ◆ Vehicle, parts, and equipment storage areas
- ◆ Material storage areas
- ◆ Vehicle, parts, and equipment cleaning areas

Mercury switch used in vehicle. Be aware: specific permit requirements may vary according to permitting authority so it is important to reference the requirements applicable of the state in which your facility is located. For instance, many states are now addressing the issue of mercury switch removal to prevent mercury releases that occur from automobile recycling. Mercury switches have been used until recently for hood, trunk, or door lights.

BMPs must be selected and implemented to address the following:

Good Housekeeping Practices

Good housekeeping is a practical, cost-effective way to maintain a clean and orderly facility to prevent potential pollution sources from coming into contact with stormwater. It includes establishing protocols to reduce the possibility of mishandling materials or equipment and training employees in good housekeeping techniques. Common areas where good housekeeping practices should be followed include trash containers and adjacent areas, material storage areas, vehicle and equipment maintenance areas, and loading docks. Good housekeeping practices must include a schedule for regular pickup and disposal of garbage and waste materials and routine inspections of drums, tanks, and containers for leaks and structural conditions. Practices also include containing and covering garbage, waste materials, and debris. Involving employees in routine monitoring of housekeeping practices has proven to be an effective means of ensuring the continued implementation of these measures.

Minimizing Exposure

Where feasible, minimizing exposure of potential pollutant sources to precipitation is an important control option. Minimizing exposure prevents pollutants, including debris, from coming into contact with precipitation and can reduce the need for BMPs to treat contaminated stormwater runoff. It can also prevent debris from being picked up by stormwater and carried into drains and surface waters. Examples of BMPs for exposure minimization include covering materials or activities with temporary

structures (e.g., tarps) when wet weather is expected or moving materials or activities to existing or new permanent structures (e.g., buildings, silos, sheds). Even the simple practice of keeping a dumpster lid closed can be a very effective pollution prevention measure.

Erosion and Sediment Control

BMPs must be selected and implemented to limit erosion on areas of your site that, due to topography, activities, soils, cover, materials, or other factors are likely to experience erosion. Erosion control BMPs such as seeding, mulching, and sodding prevent soil from becoming dislodged and should be considered first. Sediment control BMPs such as silt fences, sediment ponds, and stabilized entrances trap sediment after it has eroded. Sediment control BMPs should be used to back-up erosion control BMPs.

Management of Runoff

Your SWPPP must contain a narrative evaluation of the appropriateness of stormwater management practices that divert, infiltrate, reuse, or otherwise manage stormwater runoff so as to reduce the discharge of pollutants. Appropriate measures are highly site-specific, but may include, among others, vegetative swales, collection and reuse of stormwater, inlet controls, snow management, infiltration devices, and wet retention measures.

A combination of preventive and treatment BMPs will yield the most effective stormwater management for minimizing the offsite discharge of pollutants via stormwater runoff. Though not specifically outlined in this fact sheet, BMPs must also address preventive maintenance records or logbooks, regular facility inspections, spill prevention and response, and employee training.

Specific runoff management practices for automobile salvage facilities include the installation/use of:

- ◆ Berms or drainage ditches on the property line (to prevent run-on from neighboring properties)
- ◆ Berms for uncovered outdoor storage of soiled parts, engine blocks, and above-ground liquid storage
- ◆ Detention ponds
- ◆ Filtering devices and oil/water separators

All BMPs require regular maintenance to function as intended. Some management measures have simple maintenance requirements, others are quite involved. You must regularly inspect all BMPs to ensure they are operating properly, including during runoff events. As soon as a problem is found, action to resolve it should be initiated immediately.

Implement BMPs, such as those listed below in Table 2 for the control of pollutants at automobile salvage yards, to minimize and prevent the discharge of pollutants in stormwater. Identifying weaknesses in current facility practices will aid the permittee in determining appropriate BMPs that will achieve a reduction in pollutant loadings. BMPs listed in Table 2 are broadly applicable to automobile salvage yards; however, this is not a complete list and you are recommended to consult with regulatory agencies or a stormwater engineer/consultant to identify appropriate BMPs for your facility.

Table 2. BMPs for Potential Pollutant Sources at Automobile Salvage Yards

Activity	BMPs
Dismantling and vehicle maintenance	Minimize exposure ☐ Installation of a consolidated processing area, including a covered and bermed impermeable concrete surface equipped with a drain, where all fluids are drained. Fluid and Parts Removal ☐ Drain all fluids from vehicles upon arrival at the site. Segregate the fluids and properly store or dispose of them. ☐ Drain oil filters (and all vehicle parts) before disposal or recycling.

Table 2. BMPs for Potential Pollutant Sources at Automobile Salvage Yards (continued)

Activity	BMPs
Dismantling and vehicle maintenance (continued)	Fluid and Parts Removal (continued) ☐ Inspect vehicles for leaks as soon as possible once they arrive on-site. Inspect vehicles quarterly for signs of leakage. Check for unwanted material that could have been placed in the vehicle. ☐ When pulling parts from vehicles in the yard, employ a catch sled or tray to recover the majority of fluids which will be released. Place drip pans, large plastic sheets, or canvas under vehicles or equipment during maintenance and dismantling activities. Where drip pans are used, they should not be left unattended to prevent accidental spills. ☐ Engine oil should be drained and stored in clearly labeled tanks or containers. Tanks and containers must be kept in good operating condition, free of any visible spills or leaks, structural damage, or deterioration. ☐ Remove battery as soon as feasible after vehicle enters the facility. ☐ Promptly transfer used fluids to the proper container. ☐ Empty and clean drip pans and containers; do not leave full drip pans or other open containers around the shop. ☐ Remove all mercury switches as soon as possible making sure not to puncture the mercury container during removal. Ship switches to End of Life Vehicle Solutions (ELVS). Vehicle Processing ☐ Maintain an organized inventory of materials used in the maintenance shop. ☐ Designate one person to keep track of parts in the yard. As soon as a hulk is salvaged to its minimum extent, it should be processed for shredding to minimize the dripping of fluids and clutter in the yard. Material Storage ☐ Nonhazardous substances that are contaminated with a hazardous substance are considered a hazardous substance. ☐ Store cracked batteries in a nonleaking secondary container. ☐ Keep waste streams separate (e.g., waste oil and mineral spirits). Recycling and Disposal ☐ Recycle anti-freeze, gasoline, used oil, mineral spirits, windshield washer fluid, and solvents. ☐ Label and track the recycling of waste material (e.g., used oil, spent solvents, and batteries). ☐ Dispose of greasy rags, oil filters, air filters, batteries, spent coolant, and degreasers properly. Discharges ☐ Know where your sumps and drains discharge to. Do not pour liquid waste down floor drains, sinks, or outdoor storm drain inlets. ☐ Plug floor drains that are connected to the storm or sanitary sewer. If necessary, install a sump that is pumped regularly. ☐ Screen out sludges and solids before they reach the waste sump. Use an absorbent pad around the perimeter of sumps to prevent unwanted hazardous materials from entering. ☐ Prohibit the practice of hosing down the shop floor, using dry cleanup methods, and/or collecting the stormwater runoff from the maintenance area and providing treatment. ☐ Treat stormwater discharges with devices such as oil-water separators.
Outdoor vehicle, equipment, and parts storage	Minimizing Exposure ☐ Cover all storage areas with a permanent cover (e.g., roofs) or temporary cover (e.g., canvas tarps). ☐ Store lead parts in a covered container that is capable of handling the excessive weight of lead. If storing lead tire weights with batteries, make sure weights are not placed under batteries or allowed to roll around as that could puncture batteries.

Table 2. BMPs for Potential Pollutant Sources at Automobile Salvage Yards (continued)

Activity	BMPs
Outdoor vehicle, equipment, and parts storage (continued)	Runoff Minimization ☐ Install curbing, berms, or dikes around storage areas. ☐ Install berms or drainage ditches on the property line. ☐ Install berms for uncovered outdoor storage of oily parts, engine blocks, and above ground liquid storage. ☐ Install filtering devices and oil/water separators. ☐ Use drip pans, large sheets of plastic, or canvas under all vehicles and equipment waiting for and during maintenance. ☐ Store mercury switches in covered, leak-proof containers in a way that prevents the glass capsule from breaking. (Manage mercury switches as hazardous waste. Containers should be labeled with "Hazardous Waste - Spent Mercury Switches") ☐ Use secondary containment for stored liquids such as oil, gas, and antifreeze, as well as for lead acid batteries. Good Housekeeping ☐ Tank storage should be secured and locked. ☐ Do not stockpile old tires as they are both a fire hazard and a breeding ground for mosquitoes and rodents. Use indoor tire racks. ☐ Confine storage of parts, equipment, and vehicles to designated areas. ☐ Vehicles of similar make and model should be located in a common area. Vehicles whose parts have higher demand should be in a common area and easily accessible. ☐ Repair malfunctioning equipment that is responsible for any leak or spill as soon as possible. ☐ Store batteries on impervious surfaces. Store batteries inside on a pallet or outside in a leak proof container. Curb, dike, or berm this area.
Vehicle, equipment, and parts washing areas	☐ Designate an area for cleaning activities. ☐ Perform all parts cleaning operations indoors or cover and berm outside cleaning areas. ☐ Clean parts using minimal amounts of solvents or detergents. ☐ Recycle and reuse cleaning fluids where practical. ☐ Use phosphate-free biodegradable detergents. ☐ Use detergent-based or water-based cleaning systems in place of organic solvent degreasers. ☐ Contain steam cleaning washwaters or discharge under an applicable NPDES permit. ☐ Ensure that washwaters drain well. ☐ Inspect cleaning area regularly. ☐ Install curbing, berms, or dikes around cleaning areas. ☐ Remove or deploy airbags prior to crushing or other maintenance activities. ☐ Be certain all fluids have been drained from vehicle prior to crushing. ☐ Fluid should be collected in a covered container, tested, and disposed of accordingly.
Vehicle crushing activities	☐ Capture crusher fluids to prevent spillage. Collect this mixture of fluids in a spill-proof covered container and dispose of it properly. It should not be allowed to drain onto the ground. Keep the drain within the crusher clean so that the fluids do not collect and overflow from the crusher onto the ground.

Table 2. BMPs for Potential Pollutant Sources at Automobile Salvage Yards (continued)

Activity	BMPs
Vehicle crushing activities (continued)	☐ Installation of an engineering fabric, such as geotextiles, followed by gravel, or a bermed impermeable concrete surface would be ideal as a foundation under the crusher. ☐ Develop a preventative maintenance program that involves timely inspections and/or maintenance of the crusher and facility equipment and vehicles. ☐ Keep the crusher equipment clean.
Automotive wastes	☐ Fuel - Drain fuel tanks, using air or hand pumps, into double-walled storage tanks. "Good" fuels can be reused on-site; "bad" fuels must be disposed of. ☐ Antifreeze - Reclaim and re-use, if possible. ☐ Freon (CFCs) - Voluntarily recapture, in anticipation of new regulations. ☐ Used motor oil - Drain and store in double-walled tanks. Re-use on-site or send offsite for refining/fuel blending. Accepted practice to leave oil in the engine during storage. Oil filters should drain for 24-hours. Empty filters return to vehicle for scrap metal reclamation. ☐ Other fluids and oils - Drain as completely as mechanically possible. Do not burn used oil unless approved. ☐ Asbestos Brake Shoes and Clutches - If handled, should be wetted down to prevent asbestos particulates from becoming airborne. ☐ Mercury switches - Remove promptly and avoid breakage. Store as hazardous waste. ☐ Do not use vehicle fluids, oil, or fuels for dust or weed control.
Liquid storage in above ground containers	☐ Maintain good integrity of all storage containers. ☐ Install safeguards (such as diking, berming, or permanent secondary containment) against accidental releases at the storage area. ☐ Valves on permanent secondary containment should be kept in the "off" position and locked at all times, except when collected water is removed. ☐ Inspect storage tanks to detect potential leaks and perform preventive maintenance. ☐ Inspect piping systems (pipes, pumps, flanges, couplings, hoses, and valves) for failures or leaks.
Illicit connection to storm sewer	☐ Plug all floor drains if it is unknown whether the connection is to storm sewer or sanitary sewer systems. Alternatively, install a sump that is pumped regularly. ☐ Perform dye testing to determine if interconnections exist between sanitary water system and storm sewer system. ☐ Update facility schematics to accurately reflect all plumbing connections. ☐ Install a safeguard against vehicle washwaters and parts cleaning waters entering the storm sewer unless permitted. ☐ Maintain and inspect the integrity of all underground storage tanks; replace when necessary.

What if activities and materials at my facility are not exposed to precipitation?

The industrial stormwater program requires permit coverage for a number of specified types of industrial activities. However, when a facility is able to prevent the exposure of ALL relevant activities and materials to precipitation, it may be eligible to claim no exposure and qualify for a waiver from permit coverage.

If you are regulated under the industrial permitting program, you must either obtain permit coverage or submit a no exposure certification form, if available. Check with your permitting authority for additional information as not every permitting authority program provides no exposure exemptions.

Where do I get more information?

For additional information on the industrial stormwater program see www.epa.gov/npdes/stormwater/msgp.

A list of names and telephone numbers for each EPA Region or state NPDES permitting authority can be found at www.epa.gov/npdes/stormwatercontacts.

References

Information contained in this Fact Sheet was compiled from EPA's past and present Multi-Sector General Permits and from the following sources:

- ◆ Automotive Recyclers Association. 2000. "Stormwater Best Management Practices." <http://ara.timberlakepublishing.com/content.asp?pl=430&sl=468&contentid=474>
- ◆ City of Phoenix, Street Transportation Department, Storm Water Management Section. 2004. Prevent Stormwater Contamination Best Management Practices for Section M - Automotive Salvage Yards. SIC Code: 5015. <http://phoenix.gov/STREETS/ausalya5.pdf>
- ◆ Delaware Department of Natural Resources and Environmental Control, Division of Air and Waste Management: Solid and Hazardous Waste. 2000. Salvage Yard Manual. www.dnrec.state.de.us/dnrec2000/divisions/awm/hw/hw/salvage.htm
- ◆ Florida Department of Environmental Protection and Florida Auto Dismantlers and Recyclers Association. 2002. Florida Green Yards, An Environmental Compliance Workbook for Automotive Recyclers. www.dep.state.fl.us/central/Home/Green_Yards/Compliance_Wkb_SalvageYards.pdf
- ◆ Environmental Compliance for Automotive Recyclers. 2005. www.ecarcenter.org
- ◆ Michigan Department of Environmental Quality. 1999. Guide for Salvage Yard Owners. www.deq.state.mi.us/documents/deq-ead-tas-salvyard.pdf
- ◆ Monroe County Small Business Pollution Prevention Task Group and New York State Department of Environmental Conservation. "Auto Recyclers Guide to a Cleaner Environment – Best Management Practices."
- ◆ Northeast Waste Management Officials' Association. "P2Rx Topic Hub: Mercury–Automotive Table of Contents." www.newmoa.org/prevention/topichub/toc.cfm?hub=104&subsec=7&nav=7
- ◆ Sustainable Conservation. "Auto Recycling Project Overview." www.suscon.org/autorecycling/index.asp
- ◆ Sustainable Conservation. "Stormwater Management: A Guide for Auto Recycler Owners and Operators." www.suscon.org/autorecycling/pdfs/autorecycling_factsheet_english.pdf

- ◆ U.S. EPA – Region 8 Hazardous Waste Management Division, Hazardous Waste Minimization Program. 1995. EnviroSense Fact Sheet: Pollution Prevention Opportunities for the Automotive Recycling Industry.
<http://es.epa.gov/techinfo/facts/epa/epa-fs.html>
- ◆ U.S. EPA, Office of Science and Technology. 1999. Preliminary Data Summary of Urban Stormwater Best Management Practices. EPA-821-R-99-012
www.epa.gov/OST/stormwater
- ◆ U.S. EPA. The National Vehicle Mercury Switch Recovery Program.
www.epa.gov/mercury/switch.htm
- ◆ U.S. EPA, Office of Wastewater Management. *NPDES Stormwater Multi-Sector General Permit for Industrial Activities (MSGP)*.
www.epa.gov/npdes/stormwater/msgp
- ◆ VT Solid Waste Districts and Alliances, VT Department of Environmental Conservation, Environmental Assistance Division. Best Management Practices (BMP) for Vermont's Auto Salvage Yards.
www.anr.state.vt.us/DEC/ead/sbcap/salvage/PDF/bmpguide.pdf



APPLICATION FOR SPECIAL EXCEPTION

Special Exception Use Requested: Salvage Yard + AUTO SALES

Note: the use must be listed as a special exception use in Kennedale City Code Section 17-421.

Applicant

NAME: <u>Jose Jaime ABSI AUTO PARTS</u>	
PHONE: <u>817-714-6012</u>	EMAIL OR ALTERNATE PHONE: <u>817- [REDACTED]</u>
MAILING ADDRESS: (Street) <u>6940 E Kennedale Pkwy</u>	
(City, State, Zip Code) <u>Kennedale TX 76060</u>	

Property for which a Special Exception is requested

ADDRESS: <u>6940 E Kennedale Pkwy</u>
LEGAL DESCRIPTION:

NOTE: Attach metes and bounds description if property is not platted.

Property Owner

NAME: <u>Jose Jaime + MARTIN MARGUER</u>	
PHONE: <u>817-714-6012</u>	EMAIL OR ALTERNATE PHONE: <u>817- [REDACTED]</u>
MAILING ADDRESS: (Street) <u>819 Shady Creek Dr</u>	
(City, State, Zip Code) <u>Kennedale, TX 76060</u>	

1. Has a previous application or appeal been filed on this property? ☒ Yes ☐ No

1.a. If yes, when was the application or appeal filed? 6/15

2. Identify any requirements of Section 17-422 of the Kennedale city code that cannot be met. Give reason(s) why the requirement(s) cannot be met. Use the back of this form or attach a separate page if additional space is needed.

3. If the special exception request is for a land use, is the request for a use not allowed in the zoning district?

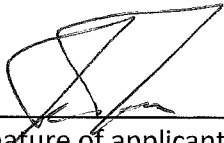
☒ Yes ☐ No

3.a. Is this a remodel of an existing structure? ☐ Yes ☒ No

3.b. Is this new construction? ☐ Yes ☒ No

4. If the special exception request is for oil or gas well drilling, how many wells are requested for this location?

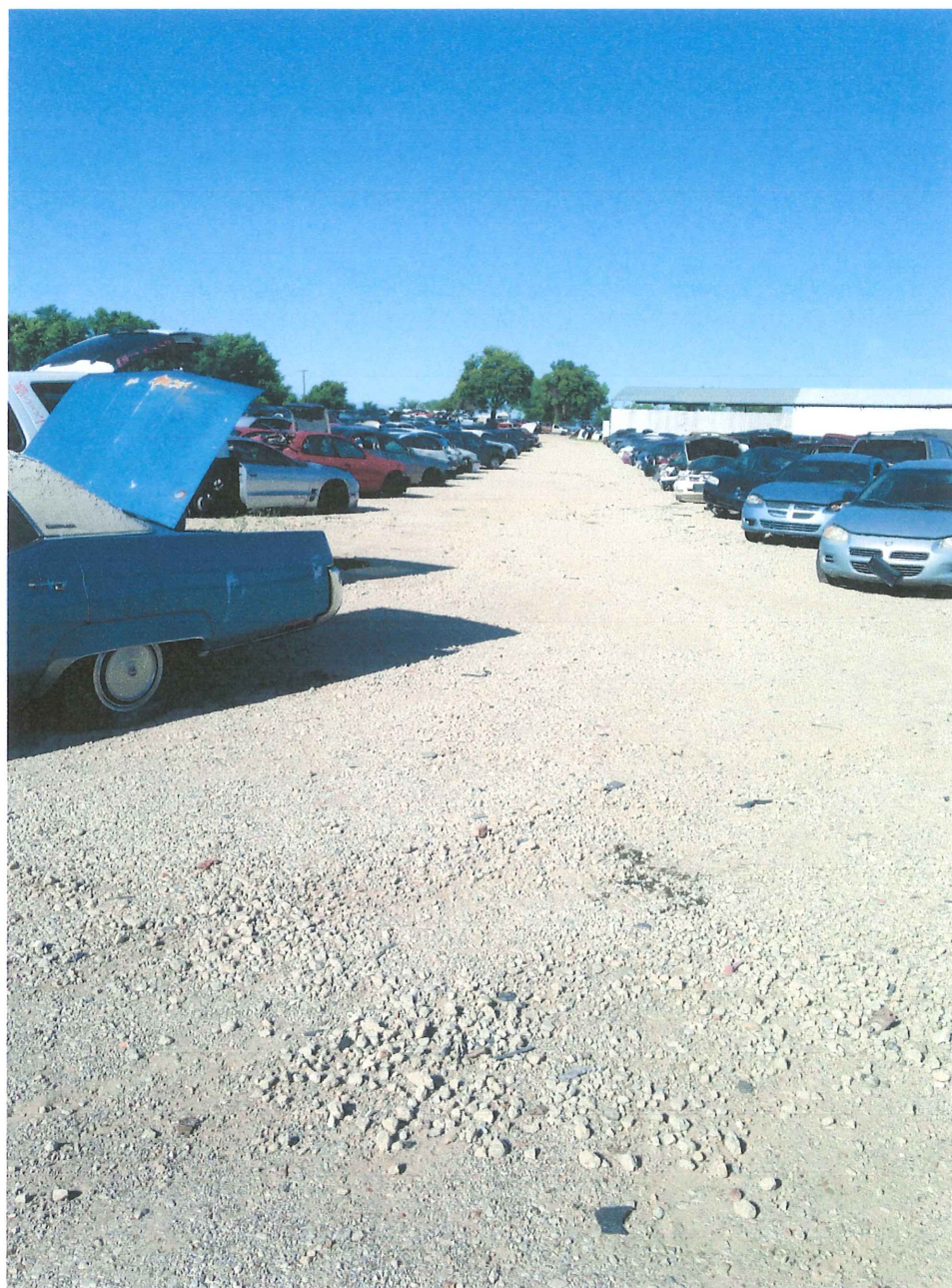
5. **Special exceptions may be granted by the Board of Adjustment only if all of the conditions listed on the Notice to Special Exception Applicant are present.**



Signature of applicant

5-7-16

Date







Date: July 5, 2016

Agenda Item No: REGULAR ITEMS (B)

I. SUBJECT

CASE # BOA 16-04 to receive comments and consider action on a request by Ned Webster for a Variance to City Code Section 17-405, Zoning districts generally, to allow encroachment into side setback by 15 inches in an "R-2" Single Family district at 937 Little School Rd, more particularly described as Rocking H Ranch Addn Lot 1 Blk 1.

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Variance from side yard setback
Applicant	Neb Webster, on behalf of Perry and Lorna Hoover
Location	Little School Road, north of Woodland Ct and south of Shady Creek Dr
Surrounding Uses	Single family residential (acreage lots and neighborhood-type lots)
Future Land Use Plan Designation	Neighborhood/Open Space
Staff Recommendation	Deny

CURRENT STATUS OF PROPERTY

This property is zoned "R-2" single family residential, which allows accessory buildings as long as they meet the required setbacks and other development restrictions. The required side yard setback for accessory buildings is eight (8) feet.

The Hoovers purchased this property in the early 1990s. They obtained a permit to build the house in 1995. Additional buildings have been added over the years, which were added without the required building permits, including the building for which a variance is requested. After prompting from city staff, the Hoovers have applied for the required building permits.

Two of the accessory buildings along the south side did not meet the minimum side yard setback of eight (8) feet, but the Hoovers were able to buy additional land from a neighbor, which added enough distance to meet the side yard setback for one of the buildings. The other building, the bird house / green house, still does not meet the setback requirement; therefore, the Hoovers are applying for a variance for that structure.

NOTE: the animal pen shown on the north side of the property was built before the Hoovers bought the property, so city staff is not requiring the Hoovers to obtain a permit for it.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The property is located in a primarily residential area. The properties on either side and behind are also zoned R-2. The properties immediately across the Little School are zoned Agricultural (see map).

REQUIREMENTS FOR A VARIANCE

The Board of Adjustment is permitted to grant variances to the development regulations of the zoning code such as minimum setbacks, lot width and lot depth, off-street parking, and maximum height. Variances are permitted only where the literal enforcement of the provisions of the zoning code would result in an unnecessary hardship, or where such variance is necessary to permit the reasonable development of a specific parcel of land that 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.

In other words, in order to grant a variance, the variance applicant is required to demonstrate that the property itself is unusually different enough from other properties in the same zoning district that it can't be developed in the same way as other parcels in the same district, which creates a hardship. A hardship cannot be of the applicant's own making, and it cannot be financial (e.g., the applicant can't meet the development regulations simply due to the applicant's financial situation).

The board should consider the following questions in determining whether a variance request meets this standard:

- (1) is the request owing to a special condition inherent in the property itself;
- (2) is the condition unique to the property for which a variance is requested;
- (3) is the condition self-created;
- (4) will a strict enforcement of the zoning ordinance create hardship above that suffered by the general public; and
- (5) will the hardship deprive the property owner of the right to use his property?

If you find the answers above demonstrate conditions favorable to granting a variance, the board should also consider these questions:

- (6) would granting the variance be contrary to the public interest; and
- (7) is the request within the spirit of the ordinance and further substantial justice?

ANALYSIS

(1) Is the request owing to a special condition inherent in the property itself?

No. The property is not smaller than other properties in the district, and is in fact much larger than the minimum lot size, width, and depth required. The property does not have floodplain, unusual topography or shape, or other factors that would make it difficult to develop the property under the city's R-2 zoning district regulations.

(2) Is the condition unique to the property for which a variance is created?

As mentioned above, the property does not have a unique condition. It is approximately 180 feet wide, which is much larger than the required 100-foot width for R-2 zoning districts, and over 900 feet deep. The property has plenty of room for the Hoovers to have built the bird house within the requirements of city code.

(3) Is the condition self-created?

Yes. The Hoovers constructed the building without a building permit, and therefore without confirmation that the building met the required setback.

(4) Will a strict enforcement of the zoning ordinance create a hardship above that suffered by the general public?

No. Other owners of property within the R-2 zoning district must also meet the setback requirements to the R-2 zoning district, including property owners whose lots are much smaller in size and only 100 feet wide.

(5) Will the hardship deprive the property owner of the right to use his property?

No. The property is already developed, and the Hoovers have enjoyed the full use of their property already, including residing in the house on-site and using their property for special events.

(6) Would granting the variance be contrary to the public interest?

The property owner to the north has told staff she is in support of granting the variance, but her residence is not close to the bird house. It may be that the neighboring property to the south would not be negatively affected by granting the variance, since it is a large site and the house is a good distance from the bird house, but this depends on whether the bird house being used in a way that does not create excessive noise or other nuisance conditions. However, even if the neighbor to the south does not object to the variance, it is contrary to the public interest to grant a variance when no hardship has been identified and when a property owner chose to construct a building without obtaining the required permits first and without verifying the structure met the required setbacks.

(7) Is the request within the spirit of the ordinance and further substantial justice?

No. The bird house was constructed without a permit, and no hardship has been proven. Moreover, Mr. Hoover is a former member of the Board of Adjustment and a former City Councilman, so he was in a position to know that the city requires building permits for accessory buildings and to understand setback regulations.

STAFF RECOMMENDATION

Will the literal enforcement of the provisions of this article result in an unnecessary hardship?

No. The Hoovers are not under an unnecessary hardship.

Based on the above analysis, staff recommends denying the request for a variance.

ACTION BY THE BOARD OF ADJUSTMENT

The board may grant or deny the request or postpone its vote until a later date. If you postpone your decision, you should state in your motion when the case will be heard by the board again. Sample motions are provided for your reference below. You are not required to use either of the motions provided, but your motion should state why you are granting or denying the request.

Approve: Based on the evidence and testimony provided, I find that the proposed request meets the standards for a variance and make a motion to approve the requested variance.

Deny: Based on the evidence and testimony provided, I find that the proposed use does not meet the standards for a variance and make a motion to deny the request.

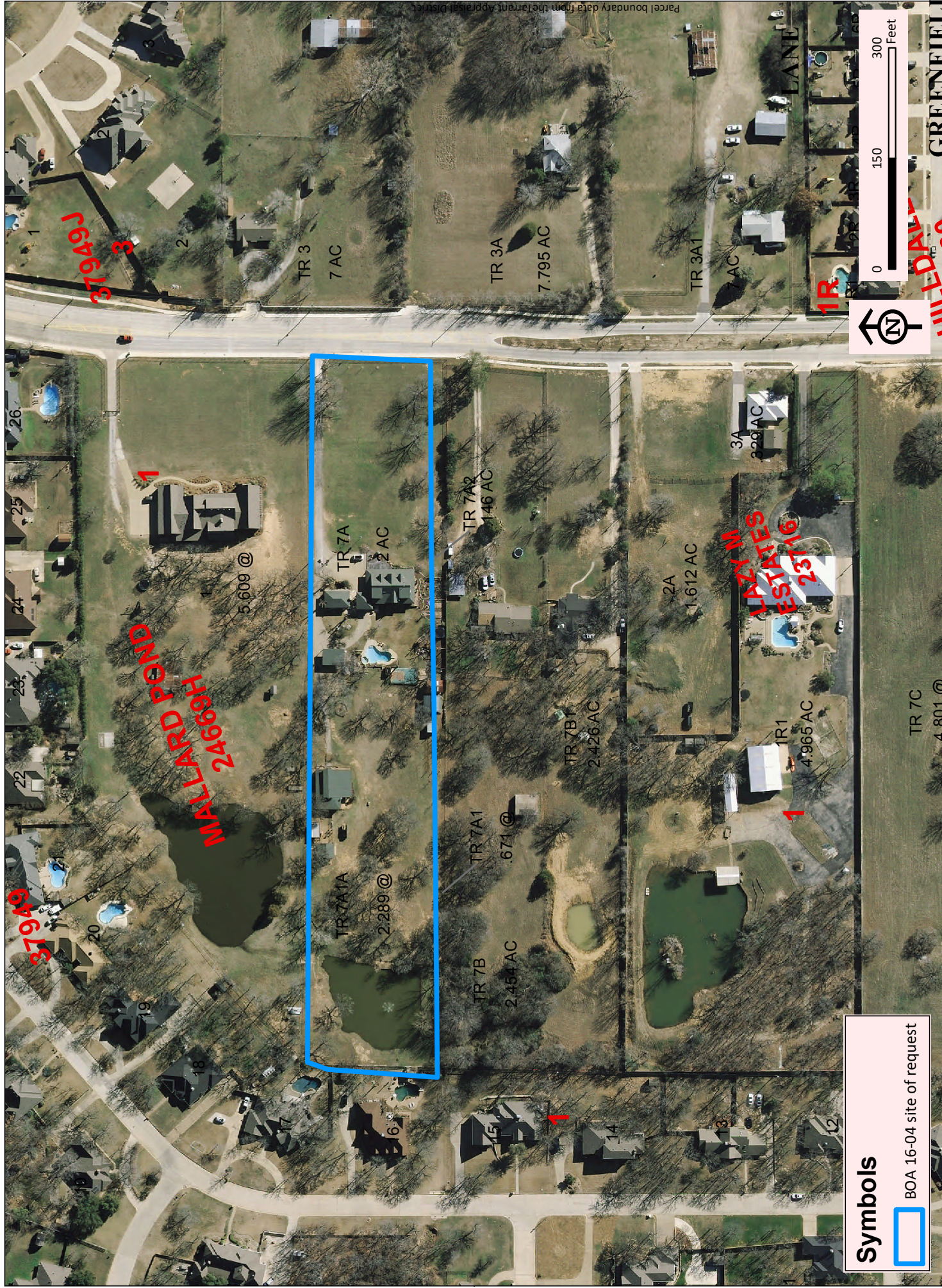
This is a detailed plat map of a residential area in Littleton, Colorado. The map shows numerous lots, many of which are numbered. Key streets include OAKRIDGE, SHADY CREEK, SHADY VALE, and GREENFIELD. A specific area is highlighted with a blue outline, labeled 'BOA 16-04 site of request'. This area consists of two adjacent lots, 939 and 937. The map also includes a north arrow and a scale bar indicating distances in feet (0, 200, 400). Other features include a 'KENNEDALE CITY LIMITS' boundary and a 'LITTLE SCHOOL' area. The map is oriented with North at the top.

Parcel boundary data from the Tarrant Appraisal District
Road data from North Central Texas Council of Governments

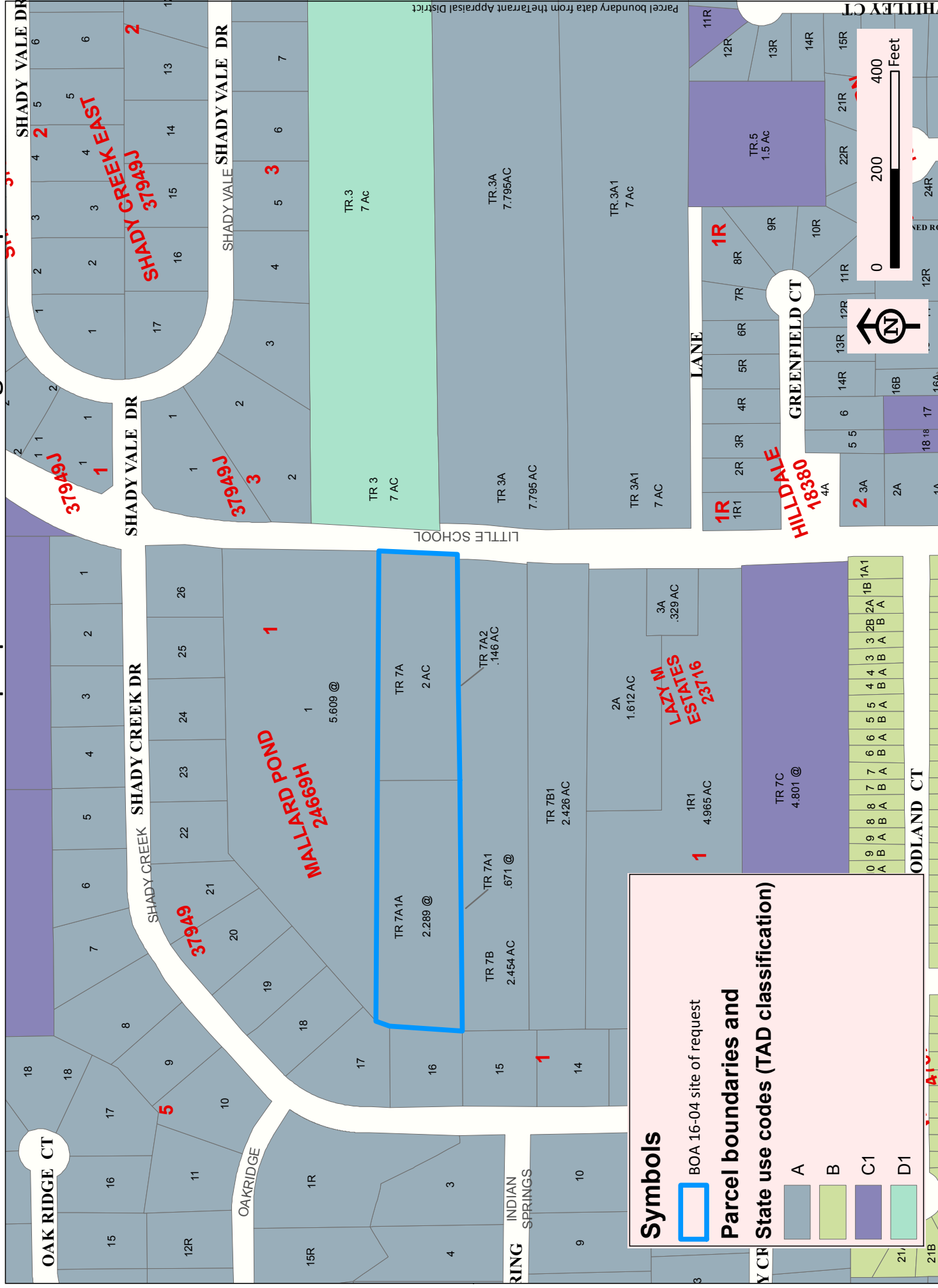
BOA 16-04: Aerial view 1



BOA 16-04: Aerial view 2



BOA 16-04: Land uses on properties surrounding site of request



STATE USE CODES

A RESIDENTIAL	
A1	Single-Family
A2	Mobile Homes
A3	Condominiums
A4	Townhomes
A5	Planned Unit Development (PUD)
A9	Interim use

B RESIDENTIAL	
B1	Multi-Family
B2	Duplex
B3	Triplex
B4	Quadraplex

C VACANT PLATTED LOTS/TRACTS	
C1	Residential
C2	Commercial
C3	Rural
C6	Vacant Exempt (Right-of-Way)

D ACREAGE	
D1	Ranch Land
D2	Timberland
D3	Farmland
D4	Undeveloped

E FARM/RANCH	
E1	House + Limited Acres
E2	Mobile Home + Limited Acres
E3	Other Improvements

F COMMERCIAL/INDUSTRIAL	
F1	Commercial
F2	Industrial
F3	Billboards

G OIL/GAS/MINERAL RESERVES	
G1	Oil/Gas/Mineral Reserves

J UTILITIES	
J1	Water Systems
J2	Gas Companies
J3	Electric Companies
J4	Telephone Companies
J5	Railroads
J6	Pipelines
J7	Cable Companies
J8	Other

L COMMERCIAL/INDUSTRIAL	
L1	Commercial BPP
L2	Industrial BPP

M MOBILE HOMES	
M2	Private Aircraft
M3	Mobile Home
M4	Other Tangible PP

O RESIDENTIAL INVENTORY	
O1	Vacant
O2	Improved

BOA 16-04: Zoning on properties surrounding site of request



NW

Law Office of Ned Webster, P.L.L.C.

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Telephone: (817) 459-2440 ~ Fax: (817) 459-2480
ned@nedwebsterlaw.com

May 25, 2016

Zoning Board of Adjustment
City of Kennedale, Texas
405 Municipal Drive
Kennedale, Texas 76060

Re: Variance request Lot 1, Block 1, Rocking H Ranch Addition

Dear Board Members,

I represent Perry and Lorna Hoover, the owners and applicants for the above referenced variance. This letter is written to provide a statement of facts and reasons justifying such request as required in accordance with the application requirements.

The structure in question has existed for a number of years. It together with other, minor, ancillary structures were built without building permits in the past on the property, as the owners were unaware that such permits were required for such structures. Recently, the City Code Enforcement Department became aware of these matters and have required my clients to obtain building permits for all of such structures. This they have endeavored to do, and have obtained such permits for all such structures, with the exception of the subject matter of this request.

The structure was first constructed based upon a survey which was in error. The survey upon which the property was actually purchased in 1995 reflected that the north and south property lines were parallel. Upon recent review by another surveyor, it was determined that the south property line was not parallel to the north property line, and that such fact placed the structure within the side yard setback. Upon the recommendation of the second surveyor, the owners purchased an additional 3000 square feet of property parallel to the south property line, which they were told should rectify all setback encroachments. Upon the preparation of the plat of the property however, it was determined that the structure still encroached into the setback by 15 inches.

As reflected in the attached letter from Ms. Roundtree, the owners can either tear down the structure or move it 15 inches. The structure is on a concrete slab, and therefore moving it does not appear to be a viable option. The hardship has not been self-created by the property owners, nor is the hardship purely economic in nature. The adjacent owner to the south is not opposed to this request, and such request would be in keeping with the spirit of the ordinance.

We request that the strict provisions of Section 17-405(d) of the Zoning ordinance be varied to allow this 15 inch encroachment by the structure.

Sincerely,

A handwritten signature in black ink, appearing to read "Ned Webster", with a stylized, cursive script.

Ned Webster

On May 13, 2016, at 2:26 PM, Katherine Rountree <krountree@cityofkennedale.com> wrote:

Hello,

The following permits have been approved and ready for payment and pickup:

Dining Area: \$241.25

Workshop: \$156.25

Barn-Gameroom: \$727.17

Carport: \$156.25

Storage Building of 326 sq ft: \$156.25

Total: \$1,437.17

The following permit has been denied:

Bird/Green House: The bird/green house was denied because it is too close to the property line. The minimum requirement is 8 feet and the building encroaches 1.3'. There are different ways to fix this. You can move the building the 1'3" to be at least 8' from the property line, cut that portion of the building off, or remove the building.

If you have any questions, please feel free to contact Sandra Johnson at 817-538-7359.

Thanks!

Katherine Rountree

Permit Clerk

Permits and Planning Dept.

City of Kennedale

405 Municipal Drive

Kennedale, TX 76060

P: 817-985-2133

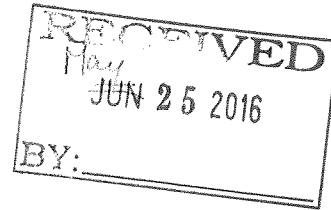
F: 817-483-0182

krountree@cityofkennedale.com

"The best preparation for tomorrow is doing your best today."



KENNEDALE
Development Services
www.cityofkennedale.com



**CITY OF KENNEDALE
BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE**

APPLICANT AND OWNER INFORMATION

SECTION 1. APPLICANT.

Name **NED WEBSTER**

Work Phone OR Home **(817) 459-2440**

Please provide a phone number where we can reach you during regular business hours.

Mailing Address

 1304 W. ABRAM ST., ARLINGTON, TX 76013

SECTION 2. OWNER.

If the owner is the applicant, write "same as applicant" below and leave the rest of this section blank.

Name **PERRY AND LOENA HOOVER**

Work Phone Home **(817) 319-6351**

Mailing Address

 937 N. LITTLE SCHOOL ROAD
 KENNEDALE, TX. 76060

SECTION 3. PROPERTY INFORMATION.

Property Location (Number and Street)

937 N. LITTLE SCHOOL RD.



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Legal Description (Lot, Block, and Subdivision/Addition)

LOT 1, BLOCK 1, ROCKING H. RANCH ADDN.

Note: Attach a metes and bounds description if the property is not platted.

VARIANCE REQUEST

Zoning District R-2

City Code reference for requirements that creates need for variance 11-405(d)

Describe City Code Requirement

8 FOOT SIDE YARD SETBACK

Describe variance requested

VARIANCE TO ENCROACH 15 INCHES INTO SIDE YARD WITH "BIRD HOUSE"/"GREEN HOUSE".

What hardship has been created?

"BIRD HOUSE"/"GREEN HOUSE" LOCATED 15 INCHES INTO SIDE YARD SETBACK



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What created the hardship? THE STRUCTURE WAS ORIGINALLY CONSTRUCTED BASED UPON A SURVEY WHICH WAS IN ERROR. PURSUANT TO THE RECOMMENDATION OF A SECOND SURVEYOR THAT THE PURCHASE OF AN ADDITIONAL 3000 ~~sq~~ ft ALONG THE SIDE OF THE PROPERTY WOULD RECTIFY THE SETBACK PROBLEM, SUCH PURCHASE WAS MADE, HOWEVER SUCH PURCHASE STILL LEFT A 15 INCH ENCROACHMENT.

I declare that the above is true and correct.

Signature of Applicant

Date 5/25/16

Required attachments

The following items must be submitted with your application and the required application fee.

- 1) Two SITE PLANS, drawn to scale, showing all lot dimensions, and the location and dimensions of all existing and proposed lot improvements; and
- 2) A STATEMENT OF FACTS AND REASONS why the zoning regulations should not be applied to the property in question and how the standards governing the Board's actions would be satisfied; and
- 3) A STATEMENT from authorized city staff citing the reasons for refusing to issue a permit under the plans submitted.