

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS

AGENDA

REGULAR MEETING

July 3, 2018

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION – 6:00 PM

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. WORK SESSION

A. Receive a summary report regarding long and short range comprehensive planning and economic development strategies.

III. REGULAR SESSION

IV. CALL TO ORDER

V. ROLL CALL

VI. SWEARING IN OF SPEAKERS

VII. MINUTES APPROVAL

A. Consider approval of minutes from the January 4, 2018 BOA meeting.

VIII. 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.

IX. REGULAR ITEMS

- A. **CASE # BOA 18-01** to receive comments and consider action on a request by Ron Sturgeon for a Special Exception as required by the Unified Development Code Section 6.2, "Schedule of Uses," to allow a Salvage Yard in an Industrial Zoning District at 1206 and 1208 E Kennedale Parkway, more particularly described as Kennedale Business Park, Block 1, Lot 1R1 and Greenleaf Addition Block 1, Lot 1.

X. REPORTS/ANNOUNCEMENTS

XI. 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 January 4, 2018, 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.



Melissa Dailey, AICP
Community Development Director

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS
MINUTES
REGULAR MEETING
JANUARY 4, 2018
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION – 6:00 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Chairman Mr. Young called the meeting to order at 6:02 PM

All board members were requested to sit on the board for the work/training session with James Donovan, City Attorney.

Chairman Mr. Young requested a motion to begin the work session. Mr. Nevarez made the motion, Mr. Shaikh seconded the motion. The motion passed unanimously.

City Attorney James Donovan presented the BOA/BAA orientation training. He advised that board decisions fall under the Unified Development Code. Mr. Donovan presented a power presentation and handouts to the board. The handout is attached.

II. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Eric Elam	X	
2	Josh Altom	X	
3	Perry Clementi	X	
4	Martin Young	X	
5	Lana Sather	X	
6	Jeff Nevarez, alternate	X	
7	Josh Virnoche, alternate	X	
8	vacant		
9	Adam Shaikh, alternate	X	

A quorum was present. The work session was presented before the roll call.

Staff present: Jayashree Narayana, Interim Planning Director, and Alicia Santos, Board Secretary. James Donovan, City Attorney.

III. WORK SESSION

A. Discuss any item on the regular session agenda

Motion was made by Mr. Shaikh to adjourn, seconded by Mr. Clementi at 6:43 PM. The motion passed unanimously.

IV. REGULAR SESSION

V. CALL TO ORDER

Chairman Mr. Martin Young called the regular session to order at 7:02PM

VI. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Eric Elam	X	
2	Josh Altom	X	
3	Perry Clementi	X	
4	Martin Young	X	
5	Lana Sather	X	
6	Jeff Nevarez, alternate	X	
7	Josh Virnoche, alternate		X
8	vacant		
9	Adam Shaikh, alternate	X	

A quorum was present. Mr. Josh Virnoche asked to be excused for the work session due to a conflicting meeting elsewhere. Jeff Nevarez was requested to the board for the regular session.

Staff present: Jayashree Narayana, Development Director Interim and Alicia Santos, Board Secretary.

VII. MINUTES APPROVAL

A. Consider approval of minutes from the November 17, 2017 Board of Adjustment special meeting.

Mr. Nevarez made the motion to approve the November 17, 2017 minutes. Mr. Clementi seconded the motion. The motion passed unanimously.

VIII. SWEARING IN OF SPEAKERS

Ms. Santos swore in the speakers: Clay Gafford.

IX. 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.

X. REGULAR ITEMS

- A. CASE # BOA 17-06** to receive comments and consider action on a request by Sterling Adams/ Apple Auto Salvage for a Special Exception as required by the Unified Development Code Section 6.2, "Schedule of Uses," to allow a Salvage Yard in an Industrial Zoning District at 7002 E. Kennedale Parkway, Kennedale, TX 76060, more particularly described as HUDSON, WADE H SURVEY Abstract 716 Tract 3C2A 3D1A & 3D2.

1. Staff presentation: Ms. Narayana presented the maps and site plan for Apple Auto Salvage and gave details of the existing site. Ms. Narayana stated that she recommended a longer term for the special exception due to the length of time for approvals for special exceptions. Ms. Narayana stated that the applicant has met all requirements for the special exception. She advised that Apple Salvage, along with surrounding auto salvage uses have been in the industrial area for some years. Apple Salvage has all the utilities in place, a paved parking lot, and clear access to Hwy 287. They meet all the industrial zoning requirements. Staff recommends approval with the condition of a 5 year term instead of a 2 year term, as long as the applicant continues to maintain all zoning requirements.

Mr. Nevarez, asked if the city has had a recent inspection, and asked whether the lighting is going to be improved.

Mr. Elam, asked whether city has a knox box on the property. He suggested the city allow 90 days to place the knox box.

2. Applicant presentation: Ms. Tina Adams, the manager for Apple Auto Salvage stated they do have a knox box but would not be opposed for inspection of a box. At the 2015 meeting, there was no issue indicated regarding the fire lane. They were only required to paint and mark the fire lanes for easy access and entrance to the location. They were allowed 2 years to paint the fire lane and pave the driveway, due to loads of crushed asphalt that comes on regular basis. All outdoor storage is maintained and no stacked vehicles are above the height conditions. Apple Auto Salvage has had the fire lane and parking lot paved.

Ms. Sather asked if the maximum time the board could approve a special exception is 5 years.

3. Public hearing: There were no speakers from the public.
4. Applicant response: There was no response since there were no public speakers.
5. Staff response and summary: Mr. Naveraz stated he would recommend a 5 year extension as long as the applicant complies with all conditions.
6. **Action by the Board of Adjustment: Mr. Young motioned to approve the special exception for 5 years. The motion was seconded by Ms. Sather. The motion passed unanimously.**

B. CASE # BOA 17-07 to receive comments and consider action on a request by the City of Kennedale for a Variance as required by the Unified Development Code Article 3, Agricultural and Residential Zoning districts generally, to allow encroachment into side setback by 36 inches in an "R-1" Single Family district at 913 Shady Creek Dr., more particularly described as Shady Creek East Addition Lot 7 Block 1.

1. Staff presentation: Ms. Narayana presented the site plan and maps of the location. Mr. Donovan made a clarification that Mr. Gafford is the applicant rather than the city. He advised the board that the permit and foundation approval were issued by error. The concern is that the building was too close to the property line. He stated the city staff then realized the error and ordered the project to cease. Ms. Narayana presented the photos to the board of the fence and the building in question and stated that a special condition does not exist in this case. Ms. Narayana advised side setbacks are required to be 8 feet and granting of the variance is in the public interest. A concern expressed by neighbors is that runoff will go into the adjoining properties next to the garage due to the roof line. Staff is recommending approval.

Mr. Nevarez asked for building official Sandra Johnson to speak to the issue. Ms. Johnson was not present. Mr. Elam also advised she needs to be present. Mr. Nevarez then requested Mr. Campbell answer questions on behalf of Ms. Johnson. Mr. Elam stated he requested the digital photos. Mr. Campbell could not answer the questions regarding the stop order. A letter was sent to Mr. Gafford and there were 2 stop orders. Ms. Sather stated the building appears to be too close to the property line. Ms. Narayana stated that Ms. Johnson did measure the building placement and went by the survey provided by Mr. Gafford. Mr. Campbell advised the city has not had the property surveyed or determined where the property line is located. The city attorney stated they can discuss and hear from the applicants. Mr. Elam requested more information on the setback from the rooftop and the building. The UDC code requires the setback to be determined by the roof line.

2. Applicant presentation: Mr. Gafford, stated he could answer the questions. Mr. Elam, stated he does not see a measurement on the site plan. Mr. Gafford stated he went with the survey. Mr. Elam stated the applicant did not provide the measurements on the site plan. Mr. Gafford, stated he wanted to view the neighbors to the back of his house to block the tarps with building a garage. Elam, stated the applicant should have caught the error on the site plan presented to the cit. Mr. Gafford, stated he proceeded since Johnson had greened tagged. Elam stated he was red tag and Mr. Gafford continued to work even after he was red tagged. Mr. Gafford stated he was not aware that his subs were not licensed. Mr. Elam, stated the applicant requested a patio cover and not a building. Mr. Clementi, stated that his building was always approved step by step and does not understand how the applicant got a building built without him not knowing the subs were license and approved by the city. Applicant stated there was a slop that is why there was foundation poured. Mr. Elam stated he cannot use Ms. Johnson ignorance and go with what she does, it's your responsibility as the home owner. Mr. Gafford stated he only did the best that he could and trying to follow the rules.

3. Public hearing: Ms. Deborah Weems spoke against the variance request. She stated that Mr. Gafford built the building to block the view of the tarps on the back property. Ms. Weems stated she contacted Charles Comeaux, who stated the required setbacks are 8 feet to 5 feet. Mr. Comeaux stated that Mr. Gafford built within his property line. Ms. Weems stated that Mr. Gafford poured the foundation twice, and that he poured, jackhammered the foundation apart, and then poured again. Ms. Weems stated the application called for a patio cover and that she contacted Todd Varner to inquire as to whether Mr. Gafford asked for a patio cover and not a garage. She called Ms. Johnson to advice about the project, and Ms. Johnson stated it was too late to stop the construction. The city has continued to assist Mr. Gafford with his project.

Kenneth Tickell spoke against the variance. He stated he wants board members to consider the codes, rules and regulations the importance of following those rules as a board. As a neighbor, his concern is that the garage is too close to the property line. Mr. Nevarez asked whether view looks natural. Mr. Tickell stated it does not look natural because it stands out. His concern is what he is going to store in the garage, like chemicals.

Mr. Elam asked whether granting this request would set a precedent, and whether there is a utility easement on the property.

4. Applicant response: Mr. Gafford stated he did not know anything about what Ms. Weems was speaking about. Mr. Nevarez stated to Mr. Gafford that he seems to have not been up front about the original plan. Mr. Gafford stated that electricity is connected from the house. Ms. Lana asked where the tarps are located. Mr. Gafford stated that he can see them from the inside of his house. Mr. Gafford stated he had a survey done when he bought the house, and that the view does not change if he changes the wall.

5. Staff response and summary: Ms. Lana asked if Mr. Gafford moves the wall, whether the line of the building will still be the same. Ms. Narayana stated the structure will look lop-sided if he moves the wall and the roof line stays the same. Mr. Young stated he would not be happy if the neighbor built too close. Ms. Narayana indicated that she did not know if there is a revision on record. Mr. Campbell stated he did not see a record for a garage, but he saw a record for a patio cover. Mr. Gafford stated that the original plan was for a patio cover. He was told he could not have a carport, and then changed the plan to a patio cover. Mr. Clementi asked Ms. Weems what she knew about this, and she stated she called Mr. Comeaux, was told the permit was for a patio cover, and then advised the city that it was a much bigger project.

6. Action by the Board of Adjustment: Ms. Sather made a motion to deny the request, Mr. Clemente seconded the motion. The motion passed unanimously.

XII. REPORTS/ANNOUNCEMENTS

- A. Staff announcements or reports related to city or regional current events, city or regional news, and updates concerning other boards or City Council action on Commission agenda items
No staff announcements or reports were made.

- B. Commission member announcements or reports related to city or regional current events and/or city or regional news
No announcements or reports were made.

XIII. ADJOURNMENT

Mr. Nevarez motioned to adjourn, Mr. Clementi seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:38 PM

ORIENTATION TRAINING FOR KENNEDALE BOARD OF ADJUSTMENT

A Presentation
By: James Donovan

Taylor, Olson, Adkins, Sralla & Elam, LLP
jdonovan@toase.com

January 4, 2018

What Authority Do I Have?

- The BOA may only decide issues arising from the Zoning Ordinance. If the regulation is not within the Zoning Ordinance such as if the City adopts a separate noise ordinance, sign ordinance, fence ordinance, etc. – the BOA does not have jurisdiction to hear an appeal

What Governs the Board?

- Chapter 211, Texas Local Government Code
- Sections 29.5, 28.9, 28.5, 28.3 and 25.2 of the City of Kennedale Unified Development Code (UDC)
- Rules of Procedure

What Authority Do I Have?

- Under the UDC, section 29.5(D):
 - › **Administrative Review**—to hear and decide appeals that allege error in any order, requirement, decision, or determination made by the City Manager in the enforcement of the UDC. [section 29.5(D)(1)]
 - › **Variances**—to authorize in specific cases variances from the terms of the UDC. [section 29.5(D)(1)]
 - › **Special Exceptions**—to grant those special exceptions which are specifically authorized under the UDC. [section 29.5(D)(9)]

What Authority Do I Have?

- Under state law:
 - › Hear and decide appeals that allege an error in an order, requirement, decision, or determination made by the Administrative Officer or other zoning administrator in the enforcement of the Zoning Ordinance
 - › Hear and decide special exceptions as specified by the Zoning Ordinance
 - › Hear and decide variances to the terms of the Zoning Ordinance
 - › Hear and decide other matters authorized by the Zoning Ordinance
- Local Government Code § 211.009

What Authority Do I Have?

- Under the UDC, section 29.5(D):
 - **Termination or Amortization of Nonconforming Uses**—to order the termination of a nonconforming use or structure as provided in the UDC. [section 29.5(D)(3)&(11)]
 - **Reconstruction of Nonconforming Use**—to permit the repair or reconstruction and occupancy of a nonconforming structure under certain circumstances as provided in the UDC. [section 29.5(D)(6)]
 - **Resumption of Discontinued or Abandoned Nonconforming Use**—to allow applicants to resume nonconforming uses or operations as provided by the UDC. [section 29.5(D)(5)]

What Authority Do I Have?

- ◉ Under the UDC, section 29.5(D):
 - **Zoning Boundary Disputes**—to hear appeals on zoning boundary disputes. [section 29.5(D)(2)]
 - **Nonconforming Structure**—to require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated or substandard. [section 29.5(D)(6)]
 - **Accessory Buildings**—to consider construction of an accessory building in the R-1, R-2, R-3, Duplex and Old Town districts with an exterior building material other than wood, stone, brick, or vinyl siding. [section 29.5(D)(11)]

Conditions for Granting a Variance

- ◉ Under state law:
 - › The variance cannot be contrary to the public interest
 - › Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship
 - › The spirit of the ordinance is observed
 - › Substantial justice is done

Appeals of Decisions of City Manager or his designated Zoning Administrator

- ◉ Section 28.9 of the UDC provides:
 - › Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, or board of the city affected by any decision of the Administrator. [section 28.9(A)]
 - › An appeal shall be taken within 15 days after the decision has been rendered by the Administrator, by filing with the Administrator from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds of the appeal. The Administrator from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the records upon which the action appealed from was taken. [section 28.9(A)(1)]

Two Step Process

- ◉ Identify the Hardship
- ◉ Determine whether the hardship is "unnecessary"

Appeals of Decisions of City Manager or his designated Zoning Administrator

- ◉ In exercising its powers, the board may, in conformity with the provisions of the statutes of the State of Texas, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and shall have all the powers of the City Manager or other administrative official from whom the appeal is taken. The board shall have the power to impose reasonable conditions to be complied with by the applicant. [section 29.5(E)(1)]

Hardship Defined

- ◉ When the literal enforcement of the zoning ordinance prevents the applicant or property owner from developing the property in a reasonable manner.

Conditions for Granting a Variance

- Under the UDC section 28.9(B)(1):
 - "The zoning variance process is intended to provide limited relief from the requirements of the UDC in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the UDC, including Oil and Gas setback requirements. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of the UDC may impose on property owners in general. Rather, it is intended to provide relief where the requirements of the UDC render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the city."

Examples of Unnecessary Hardship

- Lot with considerable slope
- To save trees
- Unusually shaped lots (e.g., lots on cul-de-sac)
- Lots with significant drainage issues

Conditions for Granting a Variance

- §28.9(B)(5)(a): Spatial and Dimensional Variances. Variances from the terms of the UDC that are not contrary to the public interest may be granted where, due to special conditions, a literal enforcement of the UDC would result in unnecessary hardship, so that the spirit of the UDC is observed and substantial justice is done. The Board of Adjustment shall consider whether:
 - i. Special conditions and circumstances exist that are peculiar to the land or improvements and that are not applicable to other lands or improvements in the same district;
 - ii. Literal interpretation of the provisions of the ordinance would result in unnecessary hardship to the owner of the property; and
 - iii. The special conditions and circumstances are not self-imposed, i.e., do not result from the actions of the applicant, owner, or previous owner(s)/developers.

Other Examples

- Applicant designed and built a home within the city limits. City's Planning Department reviewed and approved the plans. After the home was 90% complete, city inspector notices that the home is too tall in violation of the city's height restrictions for residential structures. City inspector advises applicant to finish the home and request a variance. City staff recommends that the variance request be granted.

Conditions for Granting a Variance

- §28.9(B)(5)(b): Landscape Variances. Variances from the landscaping requirements of the UDC that are not contrary to the public interest may be granted where, due to special conditions, a literal enforcement of the UDC would result in unnecessary hardship, so that the spirit of the UDC is observed and substantial justice is done. The Board of Adjustment shall consider whether:
 - i. When existing natural or topographic features render compliance with the requirements unnecessarily difficult; or
 - ii. When adherence to the requirements result in the loss of significant natural or cultural features; or
 - iii. Where a variation clearly results in a superior landscape that could not be achieved under the requirements of this article.

Other Examples

- Applicant's builder sets forms for the foundation of a residential home. The city "green tags" the location of the forms. After the construction of the home is complete, the city refuses to issue a "CO" because the home violates the front-yard set back by 4 feet.

Other Examples - Unnecessary Hardship?

- Applicant desires to construct a tennis court on applicant's property which is a pie-shaped lot located on a cul-de-sac.
- Applicant desires to install a swimming pool in applicant's side yard because applicant's back yard is sloped at a 60 degree angle with multiple trees and preexisting structures.

Special Exceptions

- Section 25.3(A) provides:
 - › "No application for a special exception shall be granted by the Board of Adjustment unless the board finds all of the following conditions are present, in addition to the satisfaction of Section 22.7 General Applicable Review Criteria:
 - (1) 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;

Other Examples – Unnecessary Hardship?

- Applicant requests variance to height restriction on Applicant's fence.
- Factors:
 - › Topography of the Applicant's property
 - › Topography of the neighbor's property
 - › Right of privacy—does the Applicant currently enjoy the same or similar minimum level of privacy as enjoyed by the Applicant's neighbors.

Special Exceptions

- › (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use;
- › (3) 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;

Special Exceptions

- Standards set out in section 25.3(A)(1-6):
 - › The Board of Adjustment may grant special exceptions which are specifically authorized under the UDC.
 - › Note: The specific special exceptions authorized by the UDC are spread out throughout the UDC.

Special Exceptions

- › (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- › (5) 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; and
- › (6) 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."

Special Exceptions

● Section 25.4 provides:

- > "As a part of approval of any special exception, the Board of Adjustment may require conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed necessary to protect the public health, safety, and general welfare of the community and to secure compliance with the standards and requirements of this article. In all cases in which special exceptions are granted, the Board of Adjustment may require evidence and written guarantees to ensure compliance with approved conditions."

Limitations on Authority

- Don't rewrite UDC
- Interpret council's intent
- Use variances are not allowed (Cannot approve any use not permitted in that Zoning District)
- Variances should be for development criteria
- Can't grant "variance" to special exception requirements

Voting

- 75% of members (4 votes) to approve any application before the Board
 - > Local Government Code § 211.009
- A motion to deny requires simple majority vote
- If motion to approve fails to receive 4 votes, application is denied
 - > However, Chair may entertain alternative motions with conditions, etc.

Hearing Before BOA

- Public hearing
- Open Meetings Act
- Rules of Evidence don't apply
- Board's Rules of Procedure do apply

Actions of BOA

- Quasi judicial body
 - > Discretionary decision
 - > Consistency – "similarly situated circumstances"
 - > Waiver of possible enforcement for inconsistent decisions

Hearing Before BOA

- Cross examination
- Subpoena power
- Representation by anyone
- Time limits okay
- Follow the Board's procedural rules!!

Decisions of the BOA

- Four affirmative votes
- Abstention counts as a vote against
- Should abstain if "interested" in the outcome
- May place reasonable conditions
- Must be made in public
- Must also be in writing and filed in the office of the BOA
- Swear in witnesses

Why Would Someone File Suit?

- Because they don't like to be told "NO!"
- Because they think the decision is "UNFAIR!"
- Because being told "No" will cost them "MONEY!"



How Can Someone Appeal a Decision of the BOA?

- Standing
 - > Person aggrieved by a decision of the board
 - > Taxpayer
 - > The City
- Timeliness
 - > Within 10 days after the date the decision is filed in the BOA's office
 - > Writ of certiorari filed in district court, county court or county court at law

4 Basic Elements that Insulate BOA Decision from Attack

- Unbiased decision by BOA
- Public hearing by BOA with adequate notice
- At hearing, did BOA swear in the witnesses, give them the opportunity to introduce evidence and to rebut contrary evidence or testimony?
- BOA's decision is supported by a record with a factual basis for the decision

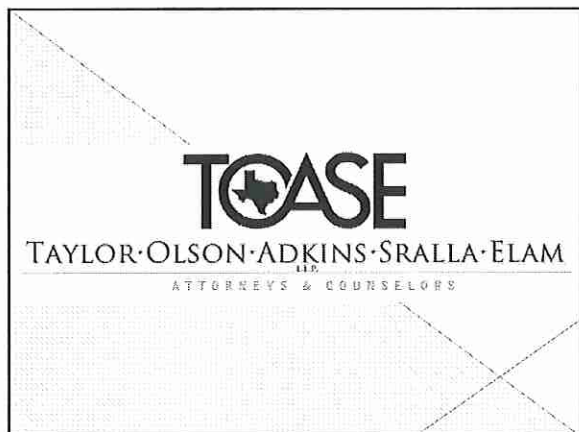
Why Would Someone File Suit?

- Because we live in a litigious society?



Factors to consider:

- Do not visit property in question
- Do not testify or offer factual information
- Decisions must be based on testimony and evidence presented at the hearings
- Prior knowledge of the facts not necessarily sufficient to prove bias



Kennedale BOA Criteria for Variances and Special Exceptions under the UDC

Variance Criteria under the UDC

UDC. Variances.

§28.9(B)(1). Purpose. The zoning variance process is intended to provide limited relief from the requirements of the UDC in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under the UDC, including Oil and Gas setback requirements. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of the UDC may impose on property owners in general. Rather, it is intended to provide relief where the requirements of the UDC render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the city.

§28.9(B)(5). Criteria for Approval.

a. Spatial and Dimensional Variances. Variances from the terms of the UDC that are not contrary to the public interest may be granted where, due to special conditions, a literal enforcement of the UDC would result in unnecessary hardship, so that the spirit of the UDC is observed and substantial justice is done. The Board of Adjustment shall consider whether:

- i. Special conditions and circumstances exist that are peculiar to the land or improvements and that are not applicable to other lands or improvements in the same district;
- ii. Literal interpretation of the provisions of the ordinance would result in unnecessary hardship to the owner of the property; and
- iii. The special conditions and circumstances are not self-imposed, i.e., do not result from the actions of the applicant, owner, or previous owner(s)/developers.

b. Landscape Variances. Variances from the landscaping requirements of the UDC that are not contrary to the public interest may be granted where, due to special conditions, a literal enforcement of the UDC would result in unnecessary hardship, so that the spirit of the UDC is observed and substantial justice is done. The Board of Adjustment shall consider whether:

- i. When existing natural or topographic features render compliance with the requirements unnecessarily difficult; or
- ii. When adherence to the requirements result in the loss of significant natural or cultural features; or
- iii. Where a variation clearly results in a superior landscape that could not be achieved under the requirements of this article.

Special Exception Criteria under the UDC

UDC §25.3(A). Conditions. No application for a special exception shall be granted by the Board of Adjustment unless the board finds all of the following conditions are present, in addition to the satisfaction of Section 22.7 General Applicable Review Criteria.

1. 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;
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use;
3. 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;
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
5. 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; and
6. 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.

UDC §22.7 General Applicable Review Criteria

A. General. Unless otherwise specified in this section or the specific procedure, city review and decision-making bodies shall review all development applications submitted pursuant to this section for compliance with the general review criteria stated below. The application may also be subject to additional review criteria specific to the type of application. In case of conflict between the general review criteria set forth in this section and the specific review criteria, the specific review criteria shall apply. A development application must be in compliance with these review criteria prior to the issuance of a certificate of occupancy or the appropriate final permit required by the city unless otherwise provided for in the development approval.

1. Consistent with Prior Approvals. Where a preliminary plan or plat was submitted and approved, a subsequent application for the same development shall be consistent with the terms and conditions of the preliminary plan or plat approval for the project including, without limitation, an approved phasing plan for development and installation of public improvements and amenities.
2. Consistent with Comprehensive Plan. The proposal is consistent with the City of Kennedale Comprehensive Plan and any applicable adopted plan. The decision-making authority shall weigh competing plan goals, policies, and strategies and may approve an

application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the City of Kennedale Comprehensive Plan or other applicable plans.

3. Compliance with Use and Development Standards. The proposal complies with all applicable use standards, site development standards, design standards, subdivision standards, public improvement standards, floodplain management standards, and all other applicable substantive standards stated in the UDC or other applicable city code. Such compliance shall be applied at the level of detail required for the subject submittal, and those standards which are not otherwise modified, varied, or waived as allowed by the UDC.
4. Compliance with Other Applicable Regulations. As applicable, prior to final approval of the proposed development pursuant to the UDC, the proposed development complies with all other city regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.
5. Minimizes Adverse Environmental Impacts. The proposed development meets or exceeds all environmental protection standards of the UDC and is designed to minimize negative impacts, and does not cause significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, scenic resources, wildlife habitat, soils, native vegetation, and the natural functioning of the environment.
6. Minimizes Adverse Impacts on Surrounding Property. The proposed development protects the existing character of neighboring properties and uses, and does not cause significant adverse impacts on surrounding properties.
7. Minimizes Adverse Fiscal or Economic Impacts. The proposed use will not result in significant adverse fiscal or economic impacts on the city.
8. Compliance with Utility, Service, and Improvement Standards. As applicable, the proposed development complies with federal, state, county, and/or service district standards and design/construction specifications for roads, access, drainage, water, sewer, schools, and emergency/fire protection.
9. Provides Adequate Road Systems. There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.



City of Kennedale Board of Adjustment Procedures

The Board of Adjustment is composed of five (5) members and up to four (4) alternates who are residents and taxpayers of the City of Kennedale, each of whom has been appointed by the City Council. The Board must hear each case and render a decision based on the merits of the case. The Board's decisions are governed by the City of Kennedale regulations and by state law. Please note that the Board must follow these standards in order to find in an applicant's favor; if the standards are not met, the Board cannot grant the applicant's request.

1. After the meeting is called to order, all necessary business will be taken care of before the hearing of the first case. Necessary business may include, but is not limited to, hearing from visitors about topics not related to the cases posted on the agenda to be heard by the Board and approval of minutes from previous meetings.
2. When it is time for a specific case to be heard, the Chairman of the Board will read a brief summary of the request. A member of the city staff may then be called upon by the Chairman to give a presentation providing pertinent facts concerning the case to be reviewed.
3. The Chairman will then call upon the applicant to present his case and all evidence supporting his request. The applicant will have fifteen (15) minutes to present his case and all supporting evidence, including presentations by witnesses or supporters brought by the applicant. The applicant may ask for one (1) extension of a maximum of five (5) minutes, if needed, to complete his presentation.
4. The Board may ask the applicant a series of questions, and only the applicant or his/her representatives may respond. No one from the audience may address the Board except during the public hearing or unless specifically questioned by a member of the Board.
5. The Chairman will then open the public hearing and will call for those in support of the case (those who are not witnesses or supporters brought by the applicant) to address the Board. Speakers will address all comments to the Chairman of the Board. Each speaker will have a maximum of three (3) minutes each to address the Board.
6. The Chairman shall next call on those opposed to the granting of the applicant's request to present their arguments. Speakers will address all comments to the Chairman of the Board. Each speaker will have a maximum of three (3) minutes to address the Board.
7. The applicant shall have the opportunity to cross examine any adverse witness and shall have a maximum of five (5) minutes to cross examine. The applicant shall then have the right of rebuttal to arguments presented by the opposition and shall have a maximum of five (5) minutes to rebut. Following the rebuttal, the Chairman shall order the hearing closed.
8. Each side shall proceed without interruption by the other, and all arguments/pleading shall be addressed to the Board. No questioning between individuals will be permitted except during cross-examination during the time allotted by the Board. During the hearing, no board members shall discuss, debate, or argue an issue with the



applicant or any other speakers who address the Board during the hearing, nor indicate his/her probable vote on the appeal.

9. After all have been heard, the Chairman will close the public hearing and the Board members will discuss the case and express opinions as to its merits. During its review, the Board may call back any applicant or speaker for clarification of facts presented in the hearing. **Note: During this discussion period, members of the audience are to refrain from addressing the Board or making any public statement.** Should the need arise, the Chairman is free to open the public hearing again and request any party for clarification or additional information. After further discussion, the public hearing will again close.

When the Board has received all required facts concerning the case in question, the Chairman will entertain a motion. One Board member will make a motion. If the motion receives a second, the Chairman will allow for further discussion if needed. The vote will then be taken and the Chairman will announce the decision. At this time any additional cases will be heard. After all scheduled cases have been called; the Board may conduct any further business or adjourn. Normally decisions on appeals will be given within thirty (30) days after the required public hearing or after receipt of all evidence or information.

Appeals of the decision made by the Board of Adjustment must be filed within ten (10) days after the Board's decision has been filed in the office of the City Secretary.

Date: July 3, 2018

Agenda Item No: REGULAR ITEMS (A)

I. SUBJECT

CASE # BOA 18-01 to receive comments and consider action on a request by Ron Sturgeon for a Special Exception as required by the Unified Development Code Section 6.2, "Schedule of Uses," to allow a Salvage Yard in an Industrial Zoning District at 1206 and 1208 E Kennedale Parkway, more particularly described as Kennedale Business Park, Block 1, Lot 1R!, and Greenleaf Addition, Block 1, Lot 1

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Special exception for use as a Salvage Yard until August 1, 2024
Applicant	Ron Sturgeon
Location	1206 and 1208 E Kennedale Parkway
Surrounding Uses	Primarily industrial including other salvage yard, auto parts and auto sales, plumbing company, feed store, Tarrant County maintenance facility, tire sales and service
Surrounding Zoning	I, C-2, R-3, PD, MH
Future Land Use Plan Designation	Light Industrial
Staff Recommendation	Deny

CURRENT STATUS OF PROPERTY

The property is zoned industrial and has been home to salvage operations since at least 1994. In 1994, a special exception was granted to Ron Sturgeon to operate a salvage yard for ten years, with conditions and subject to annual reviews. The special exception was renewed in 2004 for an additional ten years, also with conditions. In 2014, a request was made to extend the special exception for an additional ten years. At that time, staff recommended granting a renewal of the special exception for a period of time that will not interfere with achieving the City's long term vision, with no renewal after that period has ended. The Board of Adjustment approved an extension of the special exception for five years, ending in 2019, with conditions. The conditions have been met by the applicant.

SURROUNDING PROPERTIES & NEIGHBORHOOD

There are several different use types in the area. Uses are primarily industrial, including other salvage yards, auto parts and auto sales, plumbing company, feed store, Tarrant County maintenance facilities

and tire sales and service. Zoning in the area is I, C-2, R-3, PD, MH. Approximately ¼ mile to the east and ½ mile to the south are single family residential neighborhoods, zoned R3 and MH respectively.

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

Will the establishment, maintenance or operation of the use be materially detrimental to or endanger the public health, safety, morals or general welfare?

Staff does not believe the salvage yard run by LKQ is posting a threat to the general welfare or public health or safety at this time.

Staff considers the requested use to meet this standard for a special exception at this time.

STANDARD 2

Will the uses, values and enjoyment of other property in the neighborhood for purposes already permitted be in any foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use for which a special exception is requested?

Most uses in the immediate vicinity of the salvage yard are currently industrial in nature. The existence of the salvage yards likely deters other allowable uses that are commercial or light industrial uses. Examples of uses allowed in industrial zoning that have not located in the area include an indoor recreation center, golf course or driving range, plant nursery, specialized school, veterinary clinic, and child care center. These types of uses that are currently permitted in this industrial zoning district are likely reluctant to be located near salvage yards and have not located in the area. Additionally, the Future Land Use Plan proposes an Urban Village to be located approximately 1500 feet north of this salvage yard. The Unified Development Code, adopted October 1, 2016 (after the 2014 special exception extension on this case), provides the opportunity for Urban Village Zoning for this location identified in the Future Land Use Plan. It is highly unlikely that the type of development allowed by Urban Village Zoning and envisioned in the Future Land Use Plan will occur with the existence of salvage yards in this close proximity.

Staff considers the requested use to not meet this standard for a special exception at this time.

STANDARD 3

Will the establishment of the use significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

The Future Land Use Plan indicates this area to be light industrial. These light industrial uses are allowed currently with the Industrial Zoning, but have not located in the area. Although the Unified Development Code does not distinguish between light or heavy Industrial zoning, the current use is a heavy industrial use, likely hindering less intensive uses. Examples of light industrial uses that would currently be allowed in this district are an indoor recreation center, golf course or driving range, plant nursery, specialized school, veterinary, and child care center.

Some nearby properties along Kennedale Parkway are zoned C2 and located adjacent to residential areas, but these properties have remained industrial in use. C2 zoning would allow uses such as hotels, restaurants including those with outdoor dining, movie theaters, schools, a variety of office uses, and most retail uses. These properties are located approximately 2000 feet or less to this salvage yard, and are unlikely to attract commercial uses allowed by the existing C2 zoning due to the proximity of this and other salvage yards.

Kennedale Parkway is one of the first priorities for implementing the Future Land Use Plan, and less intensive uses allowed in industrial and C2 zoning would likely be reluctant or unwilling to open near a salvage yard. The City's economic development staff has found that the presence of salvage yards in Kennedale has been a deterrent for some businesses they have approached that could have located in this area.

In 2012, an existing land use analysis for the city of Kennedale indicates retail use at 1.7%, office use at .2%, and multi-family residential at .2%. The amount of retail, office and multi-family development has not significantly changed, if any, since 2012. Kennedale Parkway is the primary commercial corridor through the city of Kennedale, and offers the most opportunity to attract these types of uses for residents and visitors. With the city being only approximately 6 square miles, there is limited opportunity for the growth of retail, office and multi-family development, other than along Kennedale Parkway. As the Kennedale residential population has continued experience significant growth over the last 5-10 years, commercial development, as well as mixed use development that could include office and multi-family residential has not kept up with residential growth or market demands.

In 2015, Imagine Kennedale, a plan outlining a vision and goals for the city, was developed. One of the issues identified was "unsightly junk yards, wrecking yards and businesses visible from the streets." Although this salvage yard is maintained well for this type of use, this type of use is still visible from Kennedale Parkway. The use is apparent, and junk cars are very often visible from Kennedale Parkway through the open gate.

The Dallas-Fort Worth market is experiencing tremendous growth, and there is an existing opportunity to develop Kennedale Parkway for higher uses. Staff is of the opinion that this and other salvage yards along Kennedale Parkway impede the normal and orderly development and improvement of surrounding property uses currently permitted in the district that would otherwise occur. Specifically, properties within the immediate vicinity of this salvage yard could develop, with existing zoning, into much higher uses than the primarily industrial uses that exist, and this and nearby salvage yards likely prevent that opportunity.

Staff considers the requested use does not meet this standard for a special exception at this time.

STANDARD 4

Have adequate utilities, access roads, drainage and other necessary site improvements have been (or will be) provided?

Adequate utilities, access roads, drainage, and other necessary site improvements have been provided.

Staff considers the requested use to meet this standard for a special exception.

STANDARD 5

Have adequate measures been taken or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets?

Staff considers the ingress and egress facilities already provided by the use to meet this standard for a special exception.

STANDARD 6

Does the use 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?

The industrial zoning district does not have a minimum requirement for lot area or building size and has no masonry requirement. The existing structures do not exceed the maximum permitted lot coverage of 60% and do not exceed the height limited of 45 feet. The property has existing structures, and no new buildings are proposed as part of this special exception request. Any new buildings proposed for the site would be required to meet yard requirements for the industrial zoning district. The amount of parking provided for this use is sufficient.

Staff considers the use to meet this standard for a special exception.

STAFF RECOMMENDATION

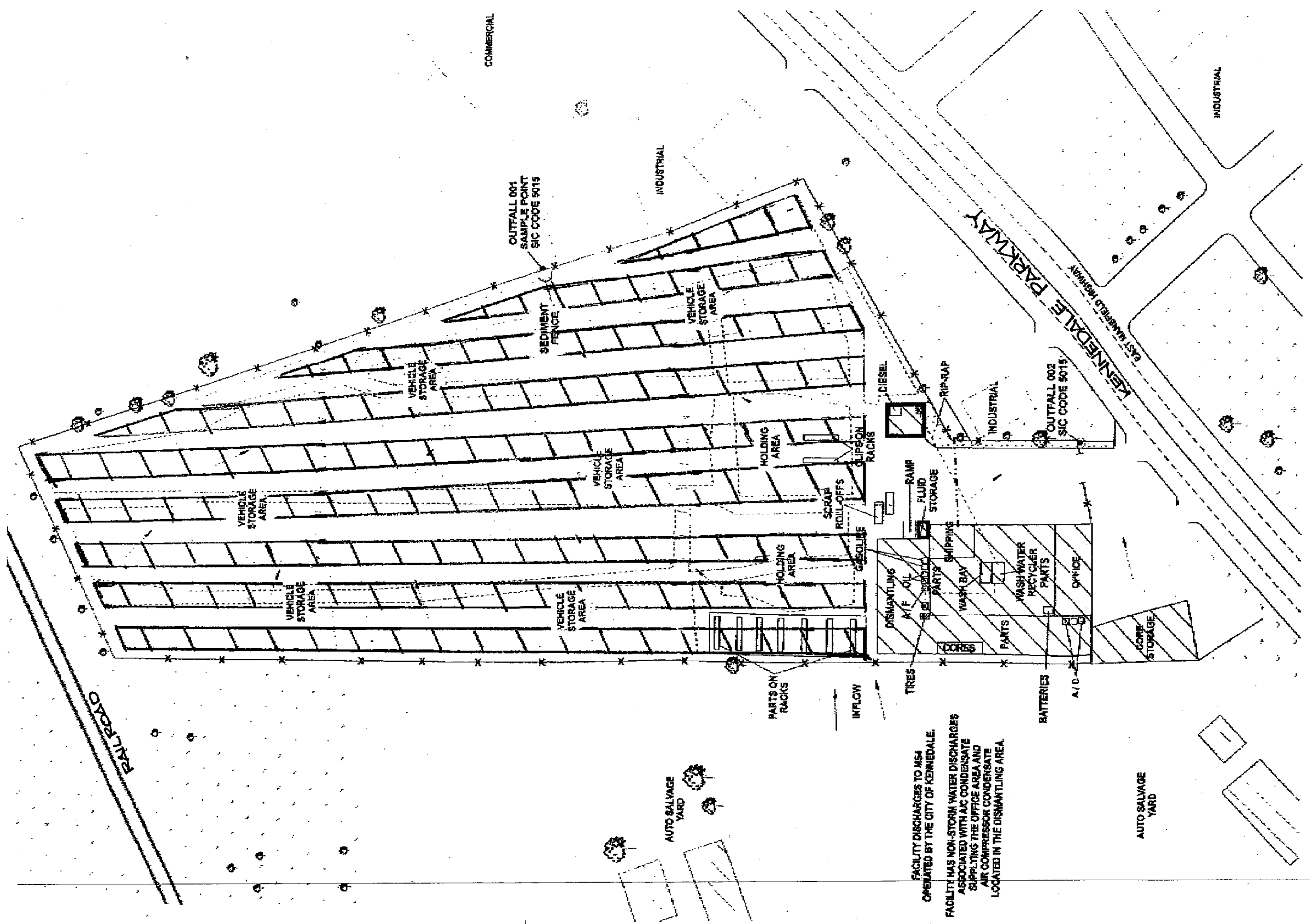
Based on the above analysis, staff recommends to deny.

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 special exception and make a motion to approve case BOA 18-01.

Deny: Based on the evidence and testimony provided, I find that the proposed use does not meet the standards for a special exception and make a motion to deny case BOA 18-01.



FACILITY DISCHARGES TO MS4
OPERATED BY THE CITY OF KENNEDALE.

FACILITY HAS NON-STORM WATER DISCHARGES
ASSOCIATED WITH A/C CONDENSATE
SUPPLYING THE OFFICE AREA AND
AIR COMPRESSOR CONDENSATE
LOCATED IN THE DISMANTLING AREA.

LKQ/RDS INVESTMENTS 1206 1/2 KENNEDALE PARKWAY

N
SCALE: 1" = 100'



APPLICATION FOR SPECIAL EXCEPTION

Special Exception Use Requested: _____

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

Applicant

NAME: <i>RON STURGEON, PROPERTY OWNER & BUSINESS - LKP</i>	
PHONE: <i>817-834-3625 x 296</i> <i>232</i>	EMAIL OR ALTERNATE PHONE: <i>RON@rdsinvestments.com</i>
MAILING ADDRESS: (Street) <i>5940 Eden Drive</i>	
(City, State, Zip Code) <i>Haltom City, TX 76117</i>	

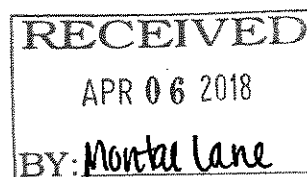
Property for which a Special Exception is requested

ADDRESS: <i>206 & 1208 E KENNEDALE PARKWAY</i>
LEGAL DESCRIPTION: <i>KENNEDALE BUSINESS PARK BLOCK 1, LOT 121 and Greenleaf Addition Block 1, LOT 1</i>

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

Property Owner

NAME: <i>SAME AS APPLICANT</i>	
PHONE:	EMAIL OR ALTERNATE PHONE:
MAILING ADDRESS: (Street)	
(City, State, Zip Code)	



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? ☐ BOA 04-05, BOA 94-01,
BOA 14-

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.

☐ SEE ATTACHED PAGES

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

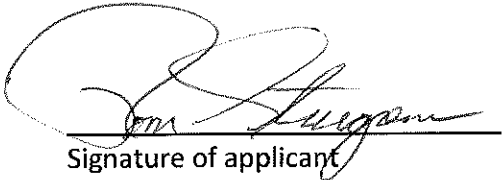
☒ Yes ☐ No

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

April 6, 2018
Date

EXHIBIT 1

STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS, THE ROBBINS COMPANIES, in the year 1906, acquired a tract of land in the County of Tarrant, State of Texas, and the same was particularly described as follows:

SECTION 36, TOWNSHIP 10N, RANGE 12E, COUNTY OF TARRANT, TEXAS, and the same was particularly described as follows:

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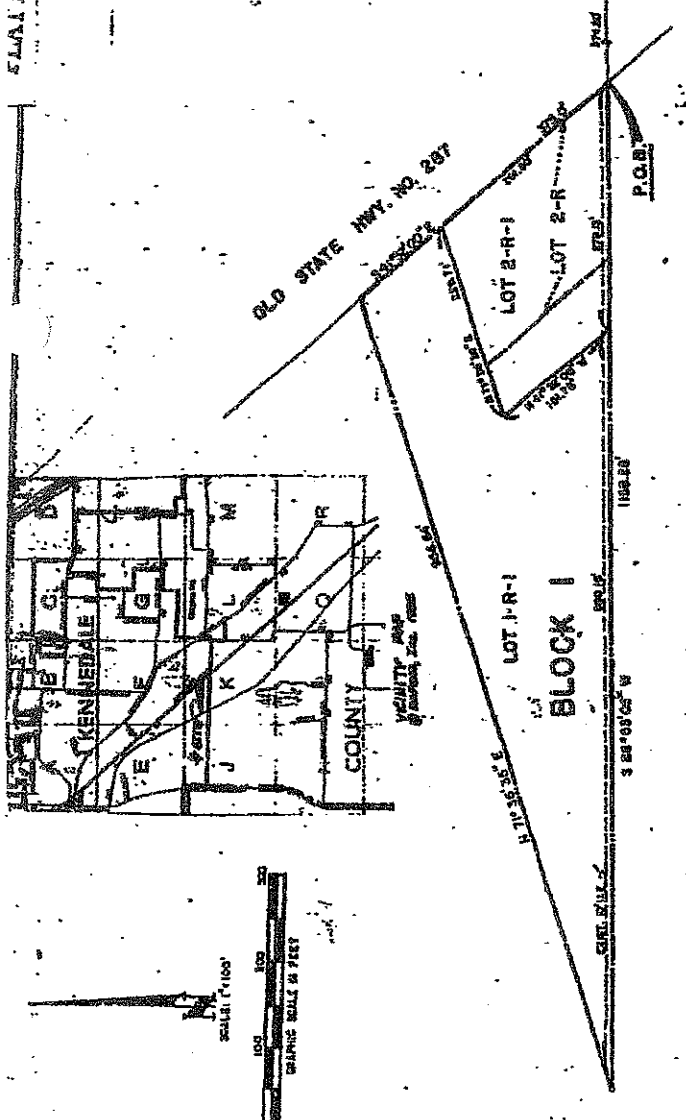
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REPLAT
LOTS 1-R-1, 2-R-1, BLOCK 1
KENNEDALE BUSINESS PARK
BEING A REVISION OF LOTS 1-R-1, BLOCK 1, KENNEDALE BUSINESS PARK
SITUATED IN KENNEDALE, TARRANT COUNTY, TEXAS

July 10, 1986

COUNCIL
ALE, TEXAS



City of Kennedale
July 10, 1986
Kennedale, Texas

OWNER AND DEVELOPER:
THE ROBBINS COMPANIES
Richard P. Robbins, Jr.
P.O. Box 17000
Arlington, Texas 76010

PROVISIONS CONTAINED IN ANY DOCUMENT WHICH RESTRICT THE SALE, RENTAL OR USE OF THE REAL PROPERTY DESCRIBED HEREIN BECAUSE OF RACE OR COLOR ARE HEREBY UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

NOT, HOWEVER, KNOW ALL MEN BY THESE PRESENTS:

THAT THE ROBBINS COMPANIES, acting by and through its duly authorized agents, have caused this plat to be recorded in the public records of the County of Tarrant, Texas, for the purpose of dedicating to the public the use of the above described tract of land, and do hereby dedicate to the public the use of the above described tract of land.

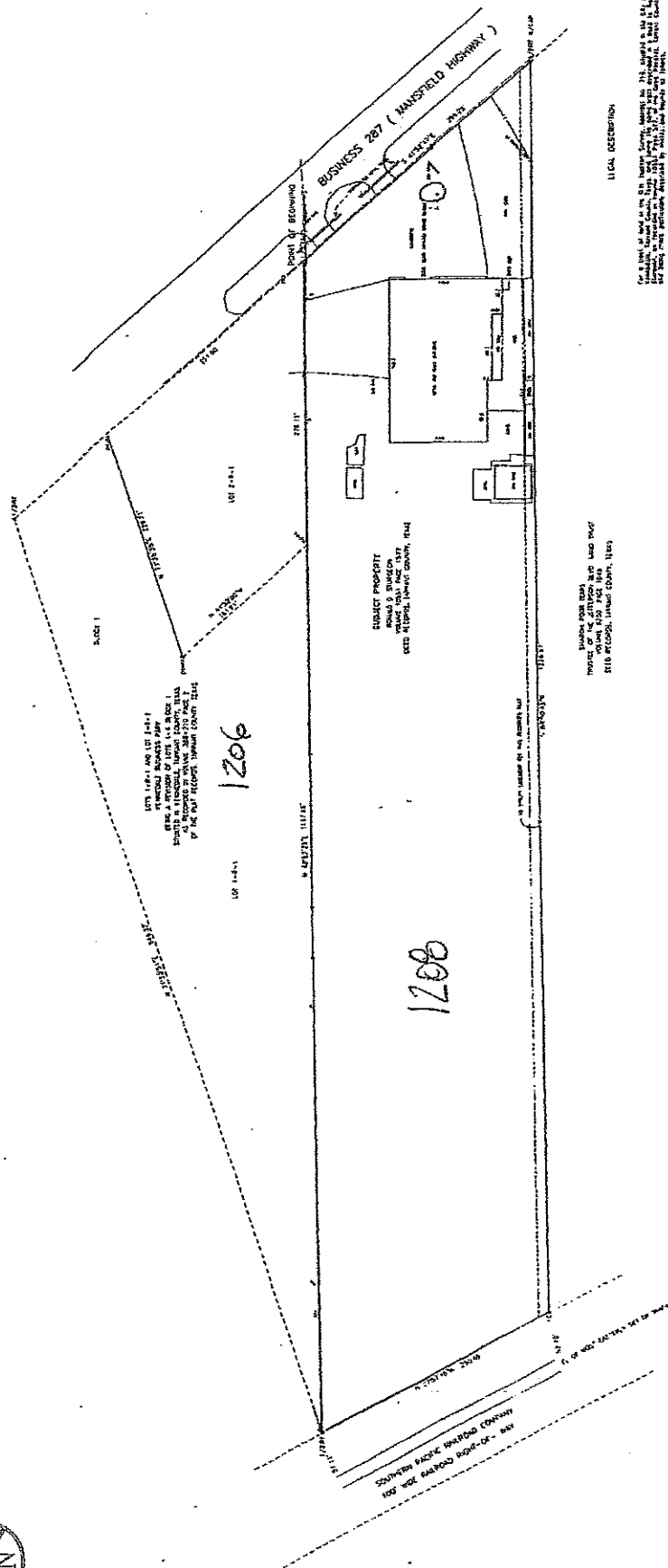
WITNESSES MY HAND at Fort Worth, Tarrant County, Texas, this 10th day of July, 1986.

THE ROBBINS COMPANIES
Richard P. Robbins, Jr.

CHECKED
BY BRENDAN
Vol 389-207
PS A 110



TRACT I



Security Council

A 6.084 ACRE TRACT OF LAND IN THE W.H. HUDSON SURVEY ABSTRACT No. 716

LOCATED IN THE CITY OF MEMPHIS, TARRANT COUNTY, TEXAS
AND BEING THE SAME FIRST DESCRIBED ON A DEED OF RECORD
AS RECORDED IN VOLUME 10831 PAGE 272
OF THE DEED RECORDS, TARRANT COUNTY, TEXAS

1542 OF 500000

1. 1940 1941 1942 1943 1944 1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348

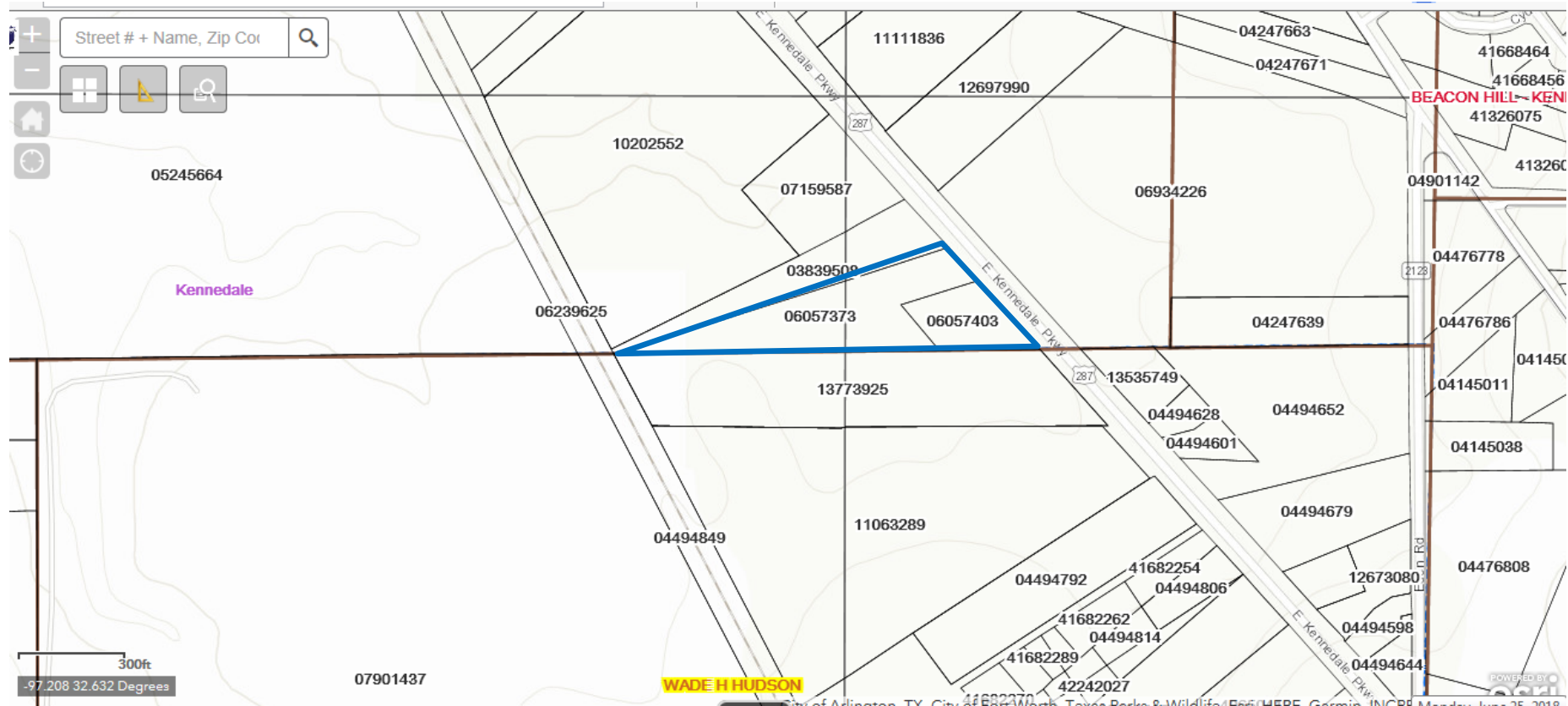
There is little doubt that the conditions described in the above are not the only ones in which the above conditions are met.

ALAN WARD SURVEYING CO.
P.O. BOX 7375 017. 812-2540054
177 CENTRE ST. #111 FAX 617-8340040
DART. 02017 alward@01783.com

55-01-8

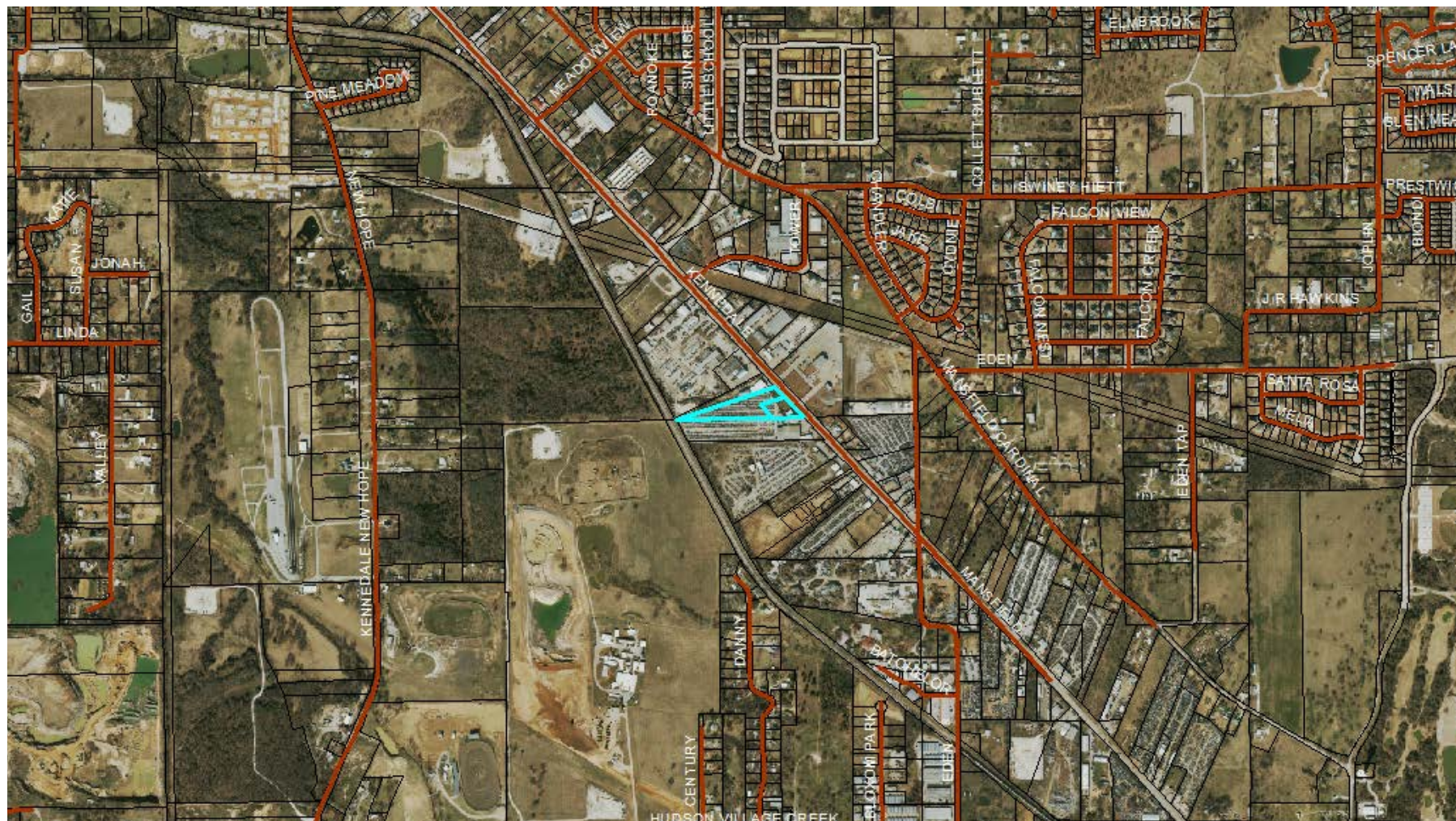
BOA 18-01

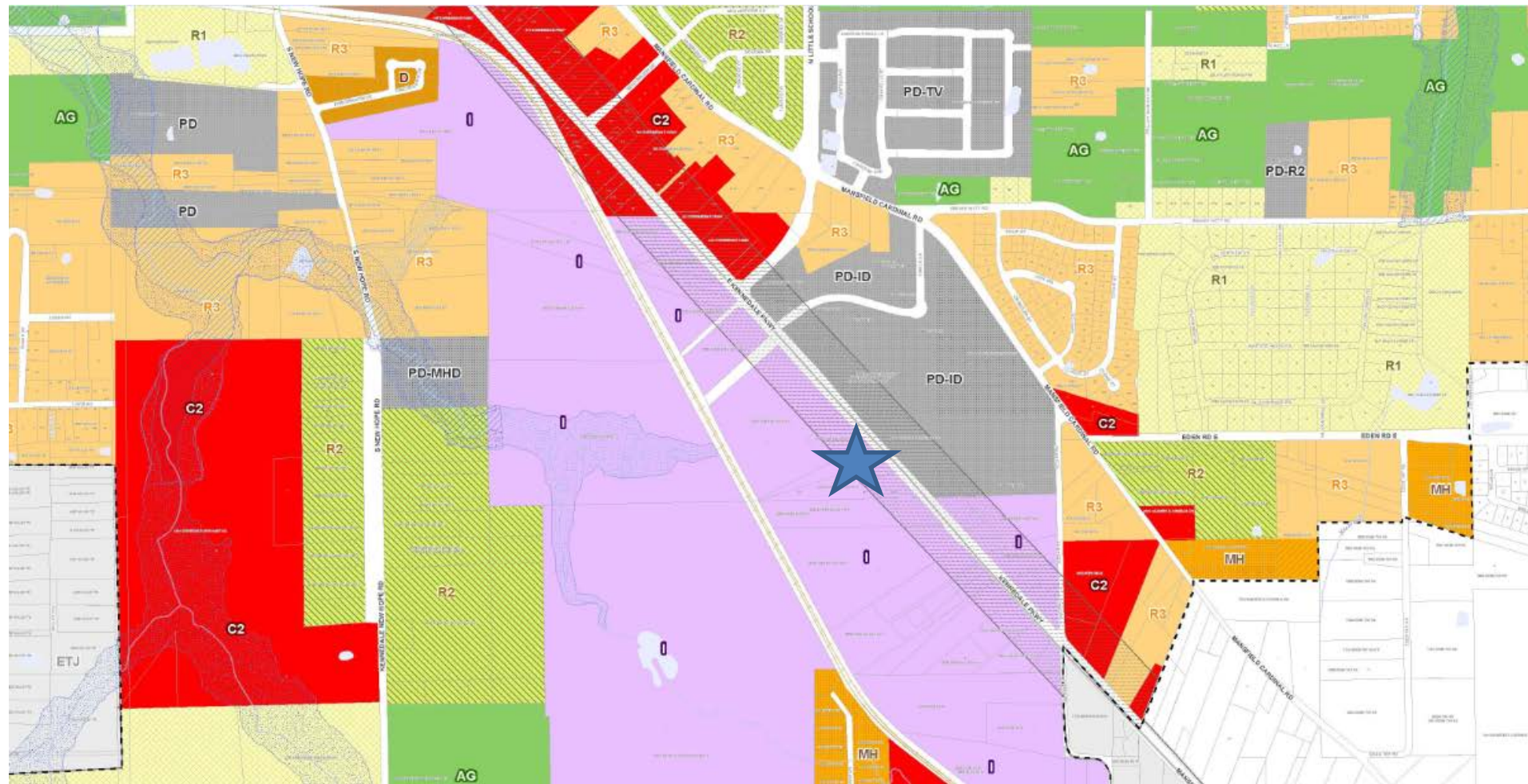
1206-1208 E Kennedale



BOA 18-01

1206-1208 E Kennedale





BOA 18-01 1206-1208 E Kennedale Future Land Use

