



KENNEDALE
Board of Adjustment
www.cityofkennedale.com

**BOARD OF ADJUSTMENT AND
BUILDING BOARD OF APPEALS AGENDA
REGULAR MEETING | February 11, 2020 AT 6:00 PM
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

I. CALL TO ORDER

NOTE: Pursuant to Texas Government Code §551.071, the Board reserves the right to adjourn into Executive Session at any time during the Work Session or the Regular Session to discuss posted Executive Session items or to seek legal advice from the City Attorney on any item posted on the agenda.

II. REGULAR SESSION

III. ROLL CALL

IV. SWEARING IN OF SPEAKERS

V. VISITOR AND CITIZEN FORUM

At this time, any person may address the board or governing body, provided that an official 'Speaker's Request Form' has been submitted to the secretary prior to the start of the meeting. All comments must be directed towards the body as a whole, rather than individual 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 nor discussion held regarding these items.

VI. REPORTS AND ANNOUNCEMENTS

VII. MINUTES APPROVAL

- A. Consider approval of minutes from the October 8, 2019 regular meeting

VIII. DECISION ITEMS

- A. CASE # BOA 20-01 to receive comments and consider action on a request by Jeff and Grace Morris as required by the Unified Development Code, Section 3.2 requiring a Special Exception Use for a detached accessory dwelling for the property at 414 S. New Hope Road, Abstract 1358, Tract 1C, R C Richey Survey, City of Kennedale, Tarrant County, Texas.

IX. EXECUTIVE SESSION *The Board of Adjustment/Board of Appeals reserves the right to convene in Executive Session(s) during this meeting pursuant to §551.071(2) when the Board of Adjustment/Building Board of Appeals seeks the advice of its attorney concerning any item on this agenda or a matter in which the duty of the attorney to the Board of Adjustment/Board of Appeals under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.*

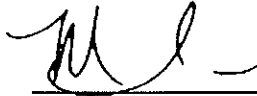
X. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

XI. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending public meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting. Please contact the City Secretary at 817-985-2104 or (TTY) 1-800-735-2989.

CERTIFICATION

I certify that a copy of the February 11, 2020, Board of Adjustment and 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 black ink, appearing to read 'MD', is written over a horizontal line.

MELISSA DAILEY, AICP
DIRECTOR OF PLANNING AND
ECONOMIC DEVELOPMENT

**BOARD OF ADJUSTMENT AND
BUILDING BOARD OF APPEALS
MINUTES**

**REGULAR MEETING | October 8, 2019 at 7:00 PM
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

I. CALL TO ORDER

Chairman Jeff Nevarez called the meeting to order at 7:00 PM

II. WORK SESSION

City Attorney Drew Larkin reviewed board member responsibilities, authorities, and obligations within each type of case heard by the Board of Adjustment.

III. REGULAR SESSION

IV. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Azam Shaikh	X	
2	Jeff Nevarez	X	
3	Kelli Rod	X	
4	Martin Young	X	
5	Lana Sather	X	
6	Jeremy Johnston, alternate	X	
7	Josh Virnoche, alternate		X
8	Thelma Kobeck, alternate		X
9	Patrick Vader, alternate		X

V. SWEARING IN OF SPEAKERS

Meghan Riddlespurger swore in the speakers:

Quentin Nichols
Mark Medina
John Stockton
Andrew Schaeffer
Dorian Johnson

VI. VISITOR AND CITIZEN FORUM

Quentin Nichols expressed that he planned to speak on behalf of himself as the applicant on BOA 19-02.

VII. REPORTS AND ANNOUNCEMENTS

Mr. Nevarez announced the Concert in the Park on October 12th, 2019.
Azam Shaikh announced the citywide health fair on November 16th, 2019.

VIII. MINUTES APPROVAL

- A. Consider approval of minutes from the August 15, 2019 regular meeting

A motion was made by Lana Sather to approve the minutes from August 15, 2019. Mr. Shaikh seconded the motion. The motion passed unanimously.

IX. DECISION ITEMS

- A. CASE # BOA 19-02 to receive comments and consider action on a request by Quentin Nichols as allowed by the Unified Development Code, Section 29.5.D appealing the decision of the City Manager regarding non-conforming use at 5869 Eden Road E., more particularly described as Jesse Russell Survey, Abstract 1361, Tract 9F Less IMP, City of Kennedale, Tarrant County, Texas.

Director of Planning and Economic Development Melissa Dailey reviewed information related to the case and property history, referenced applicable language from the Unified Development Code, and discussed the timeline of events leading to the code violations at the site. Building Official Sandra Johnson gave a summary of observations made over the course of several inspections of the property including vehicle storage and large vehicle repair. She stated a Certificate of Occupancy application for the property was denied due to unmitigated fire and building violations. She stated there were three separate instances of failed inspections and that the tenant was notified each time.

Applicant Quentin Nichols stated that he was never notified of the information discussed by staff previously and that he mitigated violations as he became aware of them. He stated that he has operated a business at the site for 20 years. Mr. Nichols distributed water and electric bills to the Board and stated he has not vacated and does not intend to vacate the property.

Mr. Nevarez asked whether Mr. Nichols still occupies the property. Mr. Nichols stated that he occupies the building but has no employees and only stores equipment in it. Mr. Nichols stated the property has been on the market for sale for five or six years.

Mr. Nevarez asked whether Mr. Nichols had utility bills dating further back than the 6 months of bills he provided as the non-conformity status dated back to at least 2018. Mr. Nichols stated he did not have those documents with him at the time.

Mr. Nevarez opened the public hearing.

Public Hearing:

Mark Medina lives across the street from Mr. Nichols' property. Mr. Medina stated that he has not observed any business-related activity for at least 18 months.

John Stockton (Falconwood Estates HOA Board President) stated that Falconwood Estates was opposed to the applicants' request.

Andrew Schaeffer lives near the property and stated that he has never seen activity in three years of observing the property. He stated that he thought the property was abandoned.

Dorian Johnson lives near the property and stated that the property being used commercially would negatively impact nearby properties and roads.

Mr. Nevarez closed the public hearing. Mr. Nichols countered neighbors' concerns

regarding traffic and nuisances. He stated that his business was not observed by neighbors because he is not at the property often.

Mrs. Sather asked whether Mr. Nichols was operating his business during the time that his tenant received citations for code violations. Mr. Nichols stated that he was. Mr. Shaikh asked whether Mr. Nichols was on site to observe the violations. Mr. Nichols stated that was not. Mr. Shaikh stated that Mr. Nichols was aware of the violations if he was operating his business at the site.

Ms. Dailey stated that the determination of a continued use is not based only on utility bills. She stated that the city made multiple inspections and notified all observable tenants of any code violations, but that only one operating tenant was observed.

Mr. Larkin stated that a nonconformity lapses if the use ceased for six or more months. He stated that the evidence presented clearly demonstrates the vacation and intent to vacate the use.

Ms. Johnson stated that she and the Kennedale Fire Department performed inspections on May 2, 2017, May 17, 2017, April 18, 2018, and April 24, 2018. She stated that only truck repair was observed, and that construction was never observed.

The Board discussed the observations made during staff inspections and the evidence presented to them. Mr. Nevarez stated that the applicant did not bring evidence that demonstrated continued use of the property for construction or fabrication.

Mr. Shaikh made a motion to uphold the City Manager's decision. Martin Young seconded. The motion passed unanimously.

X. EXECUTIVE SESSION *The Board of Adjustment/Building Board of Appeals reserves the right to convene in Executive Session(s) during this meeting pursuant to §551.071(2) when the Board of Adjustment/Building Board of Appeals seeks the advice of its attorney concerning any item on this agenda or a matter in which the duty of the attorney to the Board of Adjustment/Building Board of Appeals under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.*

XI. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

XII. ADJOURNMENT

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MELISSA DAILEY, AICP
DIRECTOR OF PLANNING AND
ECONOMIC DEVELOPMENT



Date: February 11, 2020

Agenda Item No: REGULAR ITEMS (A)

I. SUBJECT

CASE # BOA 20-01 to receive comments and consider action on a request by Jeff and Grace Morris as required by the Unified Development Code, Section 3.2 requiring a Special Exception Use for a detached accessory dwelling for the property at 414 S New Hope Road, Abstract 1358, Tract 1C, R C Richey Survey, City of Kennedale, Tarrant County, Texas.

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Special exception to allow detached accessory dwelling
Applicant	Jeff and Grace Morris
Location	414 S New Hope Rd
Surrounding Uses	Residential, vacant land
Surrounding Zoning	R3, R2, PD-MHD
Future Land Use Plan Designation	Residential
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

This property is currently single family residential with an occupied home on 2.14 acres of land. The applicants seek to add a detached accessory dwelling for use by the owners' mother/mother-in-law. With approval of a special exception, the UDC allows for one accessory dwelling unit per principle structure and per lot or parcel, and restricts use to family members or guests of the owner or occupant of the principle building. Metering for public utilities must not be separate from the principle building, and the home located on this site has access to public utilities.

SURROUNDING PROPERTIES & NEIGHBORHOOD

SURROUNDING PROPERTIES AND NEIGHBORHOOD

Surrounding properties are primarily large lot single family homes. A large vacant property that used to be a racetrack is located approximately 300 feet west on this property. A neighborhood village is proposed in the future land use plan just to the south of this property at the intersection of S. New Hope Road and a planned extension of Little School Road to the west.

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.

The addition of a detached accessory dwelling on this property would not be a detriment or endanger the public health, safety, morals or general welfare. It does not create any noise, odor, contamination or crime.

STANDARD 2

The board must find 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.

EXISTING AND PERMITTED USES IN THE VICINITY OF THIS LOCATION

The addition of a detached accessory dwelling would have no impact on the uses, values and enjoyment of other property in the neighborhood. The size and configuration of the property allows for required setbacks to be met, and the structure is to be used by a family member.

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.

An addition of an accessory dwelling structure will not impact the normal and orderly development and improvement of the surrounding property as this is consistent with residential use, the primary use in the area and the use called for in the future land use plan.

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 property 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.

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.

The proposed accessory dwelling does meet all building requirements, and the size of the property allows for opportunity to meet all spatial requirements per the UDC.

STAFF RECOMMENDATION

Based on the above analysis, staff recommends approval of the special exception submit to meeting all requirements of the Unified Development Code for accessory dwellings.

ACTION BY THE BOARD OF ADJUSTMENT

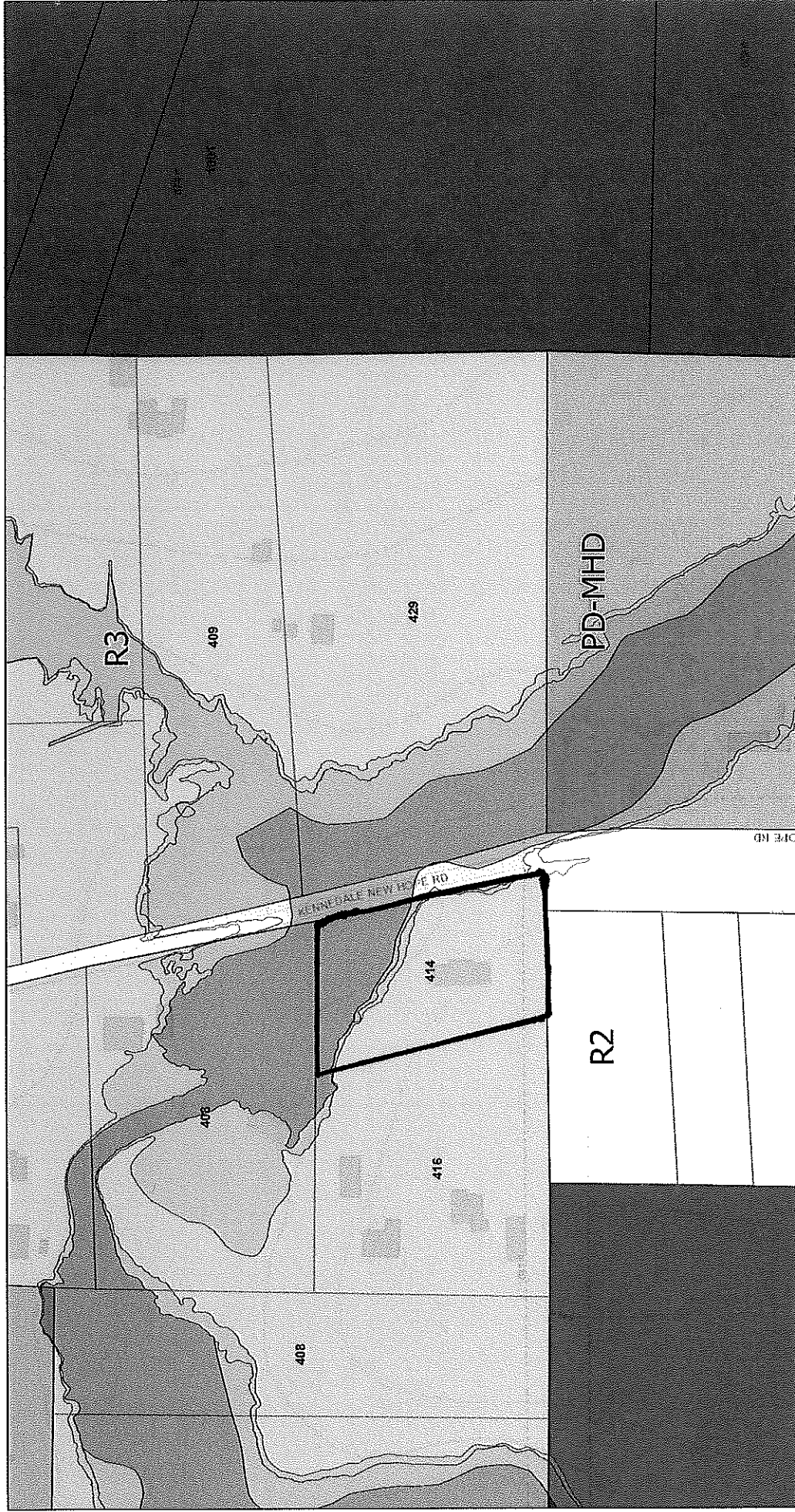
The board may grant or deny the request or postpone its vote until a later date. If you postpone your decision, you should state in your motion when the case will be heard by the board again. Sample motions are provided for your reference below. You are not required to use either of the motions provided, 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 20-01.

Deny: Based on the evidence and testimony provided, I find that the proposed request does not meet the standards for a special exception and make a motion to case BOA 20-01.

Approve with Conditions: 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 20-01 with the following conditions (state conditions).

ArcGIS Web Map



2/10/2020, 1:06:48 PM

Overlay Districts - Floodplain

Floodway

1% Annual Chance Flood Hazard

0.2% Annual Chance Flood Hazard

Zoning

C2 - General Commercial District

I - Industrial District

R2 - Single Family Residential District

R3 - Single Family Residential District

PD - Planned Development District

PD-MHD - Planned Development & Manufactured Home District

TAD Parcels

City Limits

1:2,257

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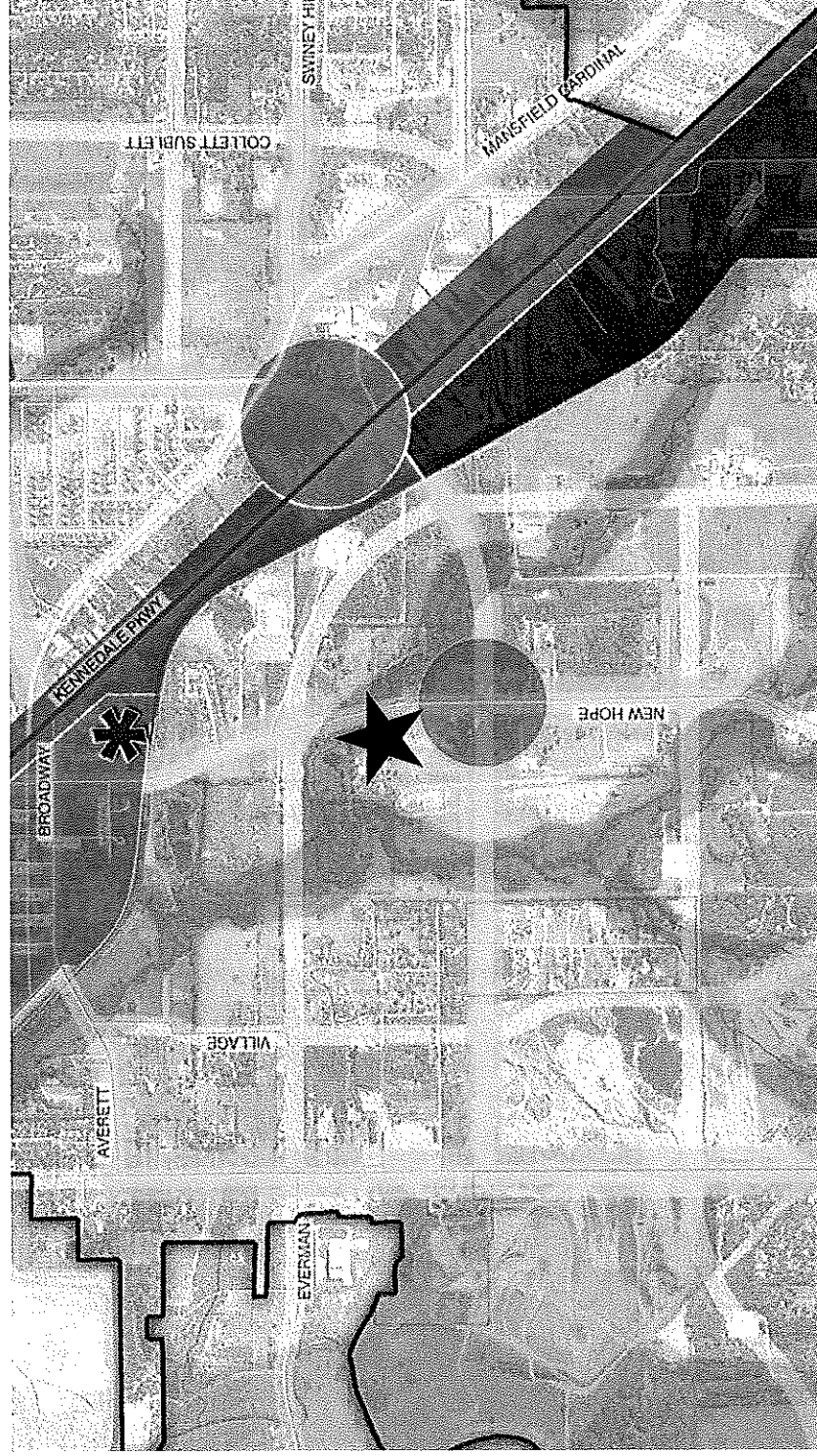
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS
City of Arlington, TX, City of Fort Worth, Tarrant County College, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

414 S. New Hope Rd

Future Land Use Plan



CATEGORIES

- Town Center
- Downtown Village
- Urban Village
- Urban Corridor
- Neighborhood Village
- Neighborhood Corridor
- Neighborhoods
- Employment Center
- Light Industrial District
- Park & Open Space
- Conservation Overlay
- Potential Commuter Train or Park & Ride Station
- Schools





34'-10"

APH-528-SL



Athens
PARK HOMES

CHAMPION

MODIFICATIONS

PROJECT: APH-528-SL 2017
35" X 11 1/2" I BD 1 BTH

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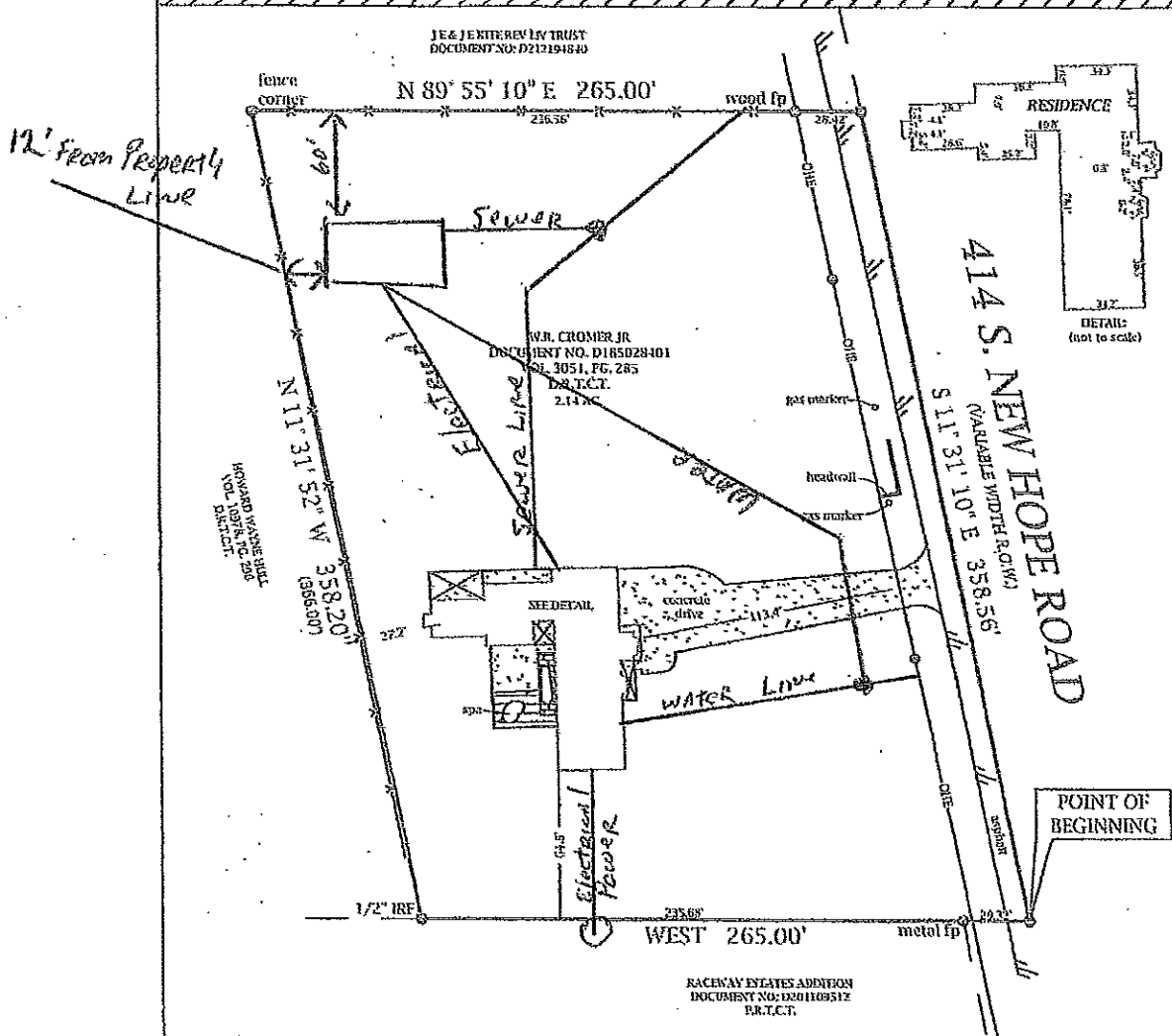
SHEET: L-101

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PURPOSED View

LEGEND

D.L. = BUILDING LINE	C.M. = CONTROL MONUMENT	F. = FENCE POST	F.H. = FIRE HYDRANT
M.E. = MAINTENANCE EASEMENT	R.O.W. = RIGHT OF WAY	FB = REFERENCE BEARING BASIS	L.F. = LIGHT POLE
D.E. = DRAINAGE EASEMENT	IRP = IRON PIPE FOUND	R.W. = RETAINING WALL	P.P. = POWER POLE
D.U.E. = DRAINAGE & UTILITY EASEMENT	IRF = IRON ROD FOUND	OHE = OVER HEAD ELECTRIC LINE	S. = STONE
S.S.E. = SANITARY SEWER EASEMENT	IRS = IRON ROD SET	G/C = GAS METER	W. = BRICK
S.E. = SEWER EASEMENT	W.F. = WOOD FENCE	ET = ELECTRIC TRANSFORMER	C. = CONCRETE
U. = UTILITY EASEMENT	CHAIN LINK FENCE = 	A/C = AIR CONDITIONER	
P.O.S.E. = PUBLIC OPEN SPACE EASEMENT	WROUGHT IRON FENCE = 	EM = ELECTRIC METER	TE. = TELEPHONE PEDISTAL
P.A.E. = PUBLIC ACCESS EASEMENT	BARBED WIRE FENCE = 	WM = WATER METER	E.P. = ELECTRIC PEDISTAL



PURCHASER _____
PURCHASER _____

ADDRESS:	414 S. NEW HOPE ROAD
G.F. NO:	5153009623
DATE:	08-18-2017

I, Wayne Johnson, Registered Professional Land Surveyor No. 5426, do hereby declare that the map shown herein accurately represents the property as determined by me on the ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as shown on the date of the survey; indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-way that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown as noted.



Easement recorded in Volume 1296, Page 336, RPRCT, does effect this lot.



KENNEDALE
Planning Department
www.cityofkennedale.com

NOTIFICATION RESPONSE FORM

Case BOA 20-01

P&Z Meeting Date: February 11, 2020 at 6:00 p.m.

Your Name:

Randy Hall

Address:

460 S New Hope Rd

Please provide completed forms via mail, fax or hand delivery before the start of the scheduled public hearing.

Being the owner(s) of the property so noted above, are hereby

In favor of

opposed to

undecided about

(circle or underline)

the proposed Application referenced above.

Comments (optional)

Signature

[Signature]

Date:

1-15-20

Printed Name(s)

Randy Hall

One form per property

Phone number (optional)

Direct questions and mail or deliver responses to the address below, call (817) 985-2135, or fax form to (817) 483-0812



KENNEDALE
Planning Department
www.cityofkennedale.com

NOTIFICATION RESPONSE FORM

Case BOA 20-01

P&Z Meeting Date: February 11, 2020 at 6:00 p.m.

Your Name: Wayne Hull

Address: 416 New Hope Rd

Please provide completed forms via mail, fax or hand delivery before the start of the scheduled public hearing.

Being the owner(s) of the property so noted above, are hereby

In favor of

opposed to

undecided about

(circle or underline)

the proposed Application referenced above.

Comments (optional)

Signature Wayne Hull

Date: 1-19-20

Printed Name(s) WAYNE HULL

One form per property

Phone number (optional) 817-475-8446

Direct questions and mail or deliver responses to the address below, call (817) 985-2135, or fax form to (817) 483-0812