

**BOARD OF ADJUSTMENT AND
BUILDING BOARD OF APPEALS AGENDA
REGULAR MEETING
TUESDAY, MAY 11, 2021 6:00 PM
VIA VIDEOCONFERENCE**

**MEMBERS OF THE PUBLIC MAY JOIN BY VISITING
<https://us02web.zoom.us/j/7732695410> AND/OR BY DIALING 877 853 5257 AND
USING MEETING ID Meeting ID: 773 269 5410**

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 for the April 13, 2021 regular meeting

VIII. DECISION ITEMS

- A. **CASE # BOA 21-04** to receive comments and consider action on a request by Miriam Llamas for a variance as required by the Unified Development Code, Table 3.3 requiring a minimum width of 80 feet for lots zoned R3 for the property located at 612 N. Little School Road, Block 4, Lot 1A and 2A, Hilldale Addition, City of Kennedale, Tarrant County, Texas.
- B. **CASE # BOA 21-05** to receive comments and consider action on a request for a special exception use by Mark Watson for the special exception use of Manufacturing, processing and packaging - light as required by Section 6.2 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas.
- C. **CASE # BOA 21-06** to receive comments and consider action on a request for variance by Mark

Watson to allow 25' rear setback where a 50' setback is required by Section 6.3 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas.

- D. **CASE # BOA 21-07** to receive comments and consider action on a request for variance by Mark Watson to allow 30% of the front principle building line within the build-to-zone where 75% is required in the Commercial Corridor Overlay District by Section 8.2.C.2 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, 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

CERTIFICATION

I DO HEREBY CERTIFY THAT THE MAY 11, 2021 BOARD OF ADJUSTMENT AND BUILDING BOARD OF APPEALS AGENDA WAS POSTED INSIDE THE MAIN ENTRANCE OF CITY HALL (405 MUNICIPAL DRIVE), IN A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES; AND THAT SAID AGENDA WAS POSTED AT LEAST SEVENTY-TWO (72) HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING, IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.



MELISSA DAILEY, AICP
DIRECTOR OF PLANNING AND
ECONOMIC DEVELOPMENT

In compliance with the Americans with Disabilities Act (ADA), the City of Kennedale will provide for reasonable accommodations for persons attending 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 by calling 817-985-2104 or (TTY) 1-800-735-2989.

CREATED 5/7/2021 4:42 PM

POSTED _____ (DATE) _____ (TIME)

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

**REGULAR MEETING | April 13, 2021 at 6:00 PM
HELD VIA VIDEO CONFERENCE**

**ZOOM INFORMATION TO JOIN: <https://us02web.zoom.us/j/7732695410> AND/OR BY
DIALING 877 853 5257 AND USING MEETING ID Meeting ID: 773 269 5410**

I. CALL TO ORDER

Chairman Jeff Nevarez called the meeting to order at 6:06 PM

II. REGULAR SESSION

III. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Azam Shaikh	X	
2	Jeff Nevarez	x	
3	Kelli Rod	x	
4	Thelma Kobeck		x
5	Lana Sather	x	
6	Jeremy Johnston, alternate		x
7	Jessica Virnoche, alternate		x
8	Myron Jones, Alternate	x	
9	Patrick Vader, Alternate	x	

IV. SWEARING IN OF SPEAKERS

Hannah Marshall, Jeff Prause and Lindsey Bailey were sworn in by Board Secretary Grant Fore.

V. VISITOR AND CITIZEN FORUM

There were no speakers for the visitor and citizen forum.

VI. REPORTS AND ANNOUNCEMENTS

Melissa Dailey: It made be possible for the board to meet in person next month, with the option for public participants to attend the meeting via zoom, if they choose. The City is working out technology to make that happen.

Kelli Rod: Boys and Girls Club- Ms. Rod says she is spending time in the community to determine needs of younger folks, particularly in the summer, and brainstorming ideas for programming this summer.

Jeff Nevarez: Kid Fish will be on 5/6/21; check out the little libraries and butterfly garden near city hall.

Azam Shaikh: MCC-HS.org provides medical services and free tax preparation assistance for those who need it; looking to host event again.

VII. MINUTES APPROVAL

- A. Consider approval of minutes from the February 9, 2021 regular meeting

Azam Shaikh made a motion to approve the minutes from the 2/19/21 meeting. Motion seconded by Lana Sather. Motion passes unanimously.

VIII. DECISION ITEMS

- A. **CASE # BOA 21-02** to receive comments and consider action on a request for a special exception use by Jeffrey Prause for the special exception use of Outdoor Storage – Commercial and Industrial as required by Section 6.2 of the Unified Development Code for 1517 Gilman Road, Abstract 1476, Tract 31K1F, 31K3A, 31U, David Strickland Survey, City of Kennedale, Tarrant County, Texas.

Staff Presentation

Melissa Dailey, Director of Planning and Economic Development, explained that 1517 Gillman is near I-20, off Kennedale Parkway, near Fort Worth Tower. This is a request for outdoor storage and a retail component (outdoor retail). Outdoor storage of heavy equipment with on-site and online auctions of the equipment. Neighboring uses surrounding the property include industrial and residential.

Ms. Dailey talked about the standards of approval for special exceptions, with a few additional standards provided today by the city attorney:

Standards of Approval:

- 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.

Ms. Dailey stated staff concerns about the potential noise issues for neighboring residences, created by the transportation of equipment and auction practices.

- 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

Ms. Dailey stated there would likely be minimal impact on neighboring industrial uses, but could be negative impacts to the neighboring residential uses as a result of equipment transport and auction noise.

- 3) That the establishment of the use will not significantly impede the normal and orderly development and improvements of the surrounding property for uses permitted in the district.

Ms. Dailey says the comprehensive plan recommends urban village nearby, with future greenspace, but then corrected this to state that residential use is recommended on this site, with greenspace across the street

- 4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Ms. Dailey said that the city believes there are site improvements that would meet the needs.

- 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.

Ms. Dailey cited concerns about equipment transport, and the delivery of equipment, as well as the periodic auctions could potentially create traffic hazards.

- 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.

Ms. Dailey said there would not be a building on site and there appears to be enough space for parking.

Ms. Dailey cited 4 additional standards for approval, provided to city staff by the City of Kennedale City Attorney.

- 7) That the proposal is consistent with the Comprehensive Plan and applicable adopted plan.

The proposed use is not compatible with the comprehensive plan, which calls for residential use.

- 8) The proposed development protects the existing character of neighboring properties and uses, and does not cause significant adverse impacts on surrounding properties.

Ms. Dailey expressed city concerns about the residential uses nearby being impacted.

- 9) The proposed use will not result in significant adverse fiscal or economic impacts on the city

Ms. Dailey expressed that any adverse fiscal/economic impacts are unknown at the time, but there are concerns about impacts on the streets.

- 10) There is adequate road capability 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.

Ms. Dailey explained concerns about street capabilities for this.

Ms. Dailey presented aerial and street views to show the location, neighboring uses, surrounding zoning, and stated the correction to note that the location is proposed to be residential in use with greenspace across the street, according to the future land use plan.

Public Hearing

There were no speakers present.

Board Discussion

Azam Shaikh asked if there has been any neighboring objection. Ms. Dailey said no, that no calls or notification forms were received.

Patrick Vader asked the applicant about any other auction sites. Mr. Prause said he has no other auction sites – and this will strictly be for an online auction. Patrick Vader expressed that Gilman road would be used for delivery and pick-up of equipment. Mr. Prause showed the property via video and showed that it's a compacted-gravel surface. Patrick Vader asked for an estimate of how long equipment could stay on site. Mr. Prause stated it would be 30-60 days.

Jeffrey Prause, applicant, showed neighboring properties and their uses, which he stated have deliveries and pick-ups at all hours of the day, and that he lives nearby and isn't impacted by the noise. Mr. Prause said neighbors are aware and don't have concerns regarding his proposal. Jeff Nevarez asked about the hours of operation or pick-up times. Mr. Prause said 8AM-5PM, maybe 8AM-6PM. Mr. Prause said this will solely be a storage lot for online sales. Azam Shaikh asked if this auction would deal with any hazardous materials. Mr. Prause said no. Azam Shaikh asked about dealing with heavy commercial vehicles. Azam Shaikh confirmed with the applicant about following city recommendations for adherence to flooding protocol. Ms. Dailey added that no equipment would be stored in the flood plain, and the surface would support flooding issues. Kelli Rod asked if equipment would have proper screening. Mr. Prause said he has planted trees in hopes of proper screening, and that equipment would be somewhat visible, but with a highly professional appearance. Patrick Vader confirmed with Mr. Prause if he lives next door.

Jeff Nevarez asked Ms. Dailey to elaborate on concerns. Ms. Dailey cited infrastructure uses and neighboring residences, but that the board could create conditions, if they wish to consider approval.

Board Decision

Patrick Vader made a motion for approval, with the time limit of a year for the special exception, but wants to discuss further conditions, and expressed concerns of what this use could look like in a year. Azam Shaikh seconded the motion.

City staff stated some potential conditions:

- 1) The special exception is limited to one year
- 2) The property shall have evergreen landscape screening, 8 feet tall, on the north and east sides.
- 3) Auction practices are limited to silent/online
- 4) Applicant shall install a quality, durable wood gate/fence for concealment
- 5) There will be no equipment onsite longer than 30 days
- 6) The hours of operation are 8AM-6PM

Patrick Vader wants the applicant to follow the city's requirement of proper concealment, with a gate and the landscaping. Patrick Vader expressed that these requirements are consistent with previous cases that came before the board.

Kelli Rod expressed concerns that this does not fit the standard of approval and this is not in complete alignment with the direction with Kennedale. Mr. Prause explained that he has taken measures to make this property nice looking, and he will keep it clean and professional looking. Mr. Prause explained again that he lives next door, and he personally wouldn't want to look at junk filled property, so he will do his best to keep the property professional.

Patrick Vader made a motion to approve: Based on the evidence and testimony provided, I find that the proposed request meets the standards for granting a special exception listed in the staff report and satisfies the General Applicable Review Criteria in

the Unified Development Code, and make a motion to approve case BOA 20-02. Azam Shaikh seconded this motion. The motion failed with a 3-2 vote, with Azam Shaikh, Jeff Nevarez and Patrick Vader voting in a favor of approving BOA Case 21-02, and Kelli Rod and Lana Sather voting in opposition. The motion did not pass, as 4 votes in favor are needed for a motion to pass.

B. CASE # BOA 21-03 to receive comments and consider action on a request for a special exception use by Lindsey Bailey for the special exception use of "General Retail (Outdoor)" as required by Section 6.2 of the Unified Development Code for 320 S Dick Price Road, Abstract 1375, Tract 54A03, Shelby County School Land Survey, City of Kennedale, Tarrant County, Texas

Staff Presentation

Melissa Dailey explained that this request is for outdoor commercial retail at WeBloom and the ability to bring in an outdoor market with vendors selling their goods. The surrounding uses include industrial and commercial uses. The future land use plan calls for neighborhood corridor. Staff recommends approval.

Ms. Dailey then explained each standard for approval and its applicability to this project.

- 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.

Staff believes with proper conditions and operations that this will not be detrimental to the public health, safety, moral or general welfare of Kennedale.

- 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.

Staff believes the outdoor use will not impair neighboring uses.

- 3) That the establishment of the use will not significantly impede the normal and orderly development and improvements of the surrounding property for uses permitted in the district.

Staff believes the outdoor retail will not impede development.

- 4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Staff believes there are adequate utilities to support this use.

- 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.

Staff believes there is sufficient ingress and egress, but staff is recommending addressing parking issues at the site.

- 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.

Staff stated this adheres to all lot requirements – there is an existing commercial use

(flower shop) and the proposed use is outdoor commercial retail.

- 7) That the proposal is consistent with the Comprehensive Plan and applicable adopted plan.

Staff stated that this proposal does align with the comprehensive plan.

- 8) The proposed development protects the existing character of neighboring properties and uses, and does not cause significant adverse impacts on surrounding properties.

Staff believes this protects the character of neighboring properties.

- 9) The proposed use will not result in significant adverse fiscal or economic impacts on the city

Staff believes the proposed use will not have any adverse fiscal or economic impacts on the city.

- 10) There is adequate road capability 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.

Staff believes there is adequate road capability to support the proposed use.

Staff is recommending approval with the following conditions:

- Special exception limited to one year
- Vendors must have a state sales tax certificate
- No food preparation unless done by an already permitted food truck
- 2 parking spaces per vendor

Lindsey Bailey, 320 South Dick Price, WeBloom, said that neighbors next door have given permission to use their parking lots, and is talking with others to potentially use their parking as well.

Hannah Marshall explained that the vendors vary, can be home goods, food, etc. Lindsey Bailey explained that all vendors being local would be a major goal.

Lindsey Bailey expressed she feels that this would bring an increase in business.

Kelli Rod asked if the neighboring property is residential. Lindsey Bailey says she isn't sure. Patrick Vader asked about any preventative measures for significant traffic. Lindsey Bailey said traffic control measures will be taken and there will be designated enter and exit locations.

Azam Shaikh confirmed with Lindsey Bailey if she is willing to adhere to city conditions, Lindsey Bailey confirmed she is happy to.

Patrick Vader asked what the vendor set-up would look like. Hannah Marshall confirmed that tents are required, and vendors are confined with 10x10 spaces.

Azam Shaikh asked about the city obtaining a vendor list and Lindsey Bailey said it varies per Saturday, but they are happy to provide the list.

Jeff Nevarez asked if this is more a craft fair or a farmer's market. Lindsey Bailey said a mixture.

Public Hearing

There were no speakers.

Board Discussion

Ms. Dailey suggested that the driveways not be blocked, and all restrooms be available, and the city has concerns about parking on the site.

Lana Sather suggested no parking on-site, except for vendor setup only, and recommended off-site parking as a part of her conditions. Azam Shaikh agreed that there be no on-site parking and that written permission from parking lots nearby be provided to the city.

Lana Sather made the motion to approve: Based on the evidence and testimony provided, I find that the proposed request meets the standards for granting a special exception listed in the staff report and satisfies the General Applicable Review Criteria in the Unified Development Code, and make a motion to approve case BOA 20-03, with conditions 1) off-site parking and written permission for off-site parking; written documentation of vendor lists 2) restrooms at all times. Azam Shaikh seconded that motion with another amendment that the city is provided with vendor lists prior to all events.

Ms. Dailey suggested that the special exception be granted for one year and vendors will need to have a Texas Sales Tax Certificate, and food preparation done by licensed food handlers. Lana Sather suggested there be stated guidelines for prepared food.

Applicants explained the goal for this would be 1st and 3rd Saturday of each month and holidays.

Azam Shaikh explained reasoning for requiring vendor lists, so we can ensure the vendors present are proper.

The existing motion was amended by Lana Sather to include the condition of food handlers required to adhere to state and county health guidelines as a condition.

The amended motion for approval with conditions:

- 1) Special exception allowed for one-year from date of approval
- 2) Texas Sales Tax Certificate to be provided
- 3) Vendor list be kept and provided to the city if requested
- 4) No food sold unless required permits from the County are obtained
- 5) Off-site parking is provided with permission granted by adjacent property owner(s)
- 6) Restrooms inside WeBloom be made available to public
- 7) Staff approved directional parking signs to be displayed

Azam Shaikh seconded the amended motion.

Board Decision

The motion for approval with conditions passed with a 4-1 vote, with Kelli Rod voting in opposition.

XII. ADJOURNMENT

The meeting was adjourned at 7:37 p.m.
Azam Shaikh made motion to adjourn. Lana Sather seconded the motion.

Date: May 11, 2021

Agenda Item No: REGULAR ITEMS (A)

I. SUBJECT

CASE # BOA 21-04 to receive comments and consider action on a request by Miriam Llamas for a variance as required by the Unified Development Code, Table 3.3 requiring a minimum width of 80 feet for lots zoned R3 for the property located at 612 N. Little School Road, Block 4, Lot 1A and 2A, Hilldale Addition, City of Kennedale, Tarrant County, Texas.

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Variance to allow 60' wide lot
Applicant	Miriam Llamas
Location	612 N Little School Road
Surrounding Uses	Residential, commercial, church
Surrounding Zoning	R3, C1, AG
Future Land Use Plan Designation	Residential
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

The property is currently vacant and is part of the Hilldale Subdivision. Zoning for the property is R3.

SURROUNDING PROPERTIES & NEIGHBORHOOD

SURROUNDING PROPERTIES AND NEIGHBORHOOD

This property is on the western edge of the Hilldale residential subdivision at the corner of Harrison Drive and N. Little School Road. Most properties in the area are residential. Properties along N. Little School Road are a combination of single family residential and commercial uses.

REQUIREMENTS FOR A VARIANCE

The Board of Adjustment is permitted to grant variances to the development regulations of the Unified Development Code such as the front yard, side yard, rear yard, lot width, lot depth, lot coverage, minimum setback, off-street parking, off-street loading, lot area, maximum height, or other building regulations. Variances are permitted only where the literal enforcement of the provisions of the Unified

Development Code would result in an unnecessary hardship, or where such variance is necessary to permit the reasonable development of a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

In order to grant a variance, the 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?

Yes. The special condition is that this lot, which is part of the Hilldale residential subdivision, is substantially larger than other lots in the subdivision. Whereas most lots in this neighborhood are approximately 60 feet wide, this lot is approximately 135 feet wide, with similar depth as other lots in the neighborhood.

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

The large size of the lot is unique for this neighborhood.

(3) Is the condition self-created?

No. This subdivision was developed in the 1960's and was later zoned R3. At the time the subdivision was platted, most lots were approximately 60' wide, not meeting the 80' wide requirement for the R3 zoning. This lot on the corner was platted to be approximately double the size of a typical lot for the neighborhood.

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

Since other lots and property owners in the neighborhood have lots approximately 60' wide, this larger lot would create a hardship in not allowing the owner to develop the lot as others in the neighborhood were developed.

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

The property could be developed, but not in a consistent way with other lots in the neighborhood. The lot differs from other parcels of land in the same district by being much larger and that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

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

No. The property could be developed in a manner consistent with other properties in the same neighborhood.

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

Yes, due to information stated above.

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

Yes, in that the property owner would not be able to develop the property in a manner consistent with other properties in the same neighborhood.

STAFF RECOMMENDATION

Allowing for a 60' width on this lot will allow the property owner to replat the lot to create two lots, providing for two homes on lots consistent with lot size in the remainder of the neighborhood. Staff recommends approval.

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.

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).

612 N Little School Rd

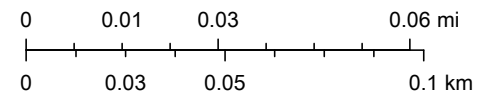


4/26/2021, 11:24:23 AM

 TAD Parcels

 City Limits

1:2,257



City of Arlington, TX, City of Fort Worth, Tarrant County College, Texas Parks

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 | Tarrant Appraisal District |

7509 PENNRIDGE CIRCLE
ROWLETT, TX 75088

FIRM REGISTRATION NO. 10194366

BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 612 LITTLE SCHOOL ROAD, in the City of KENNEDALE, Texas.



Being a portion of Lots 1 and 2, Block 4 of Hilldale Addition, an Addition to the City of Kennedale, Tarrant County, Texas, according to the Plat thereof recorded in Volume 388-11, Page 22, Plat Records, Tarrant County, Texas (P.R.T.C.T.) and being the same land described in deed to Miriam Llamas, recorded in Instrument No. D220235385, Deed Records, Tarrant County, Texas (D.R.T.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner in the North line of a tract of land described in deed to Hong Shao Liang and Justin Liang, Yang Chen and Xiao Ming Chen, recorded in Instrument No. D217242713 (D.R.T.C.T.), at the common South corner of said Lot 2 and Lot 3 of said Block 4;

THENCE North 89 degrees 50 minutes 00 seconds West, a distance of 135.94 feet to a 1/2 inch yellow capped iron rod set for corner in the present East line of Little School Road, at the Northwest corner of a tract of land described in deed to Hong Shao Liang and Kuei O. Yang, recorded in Instrument No. D217092577 (D.R.T.C.T.), from which a 5/8 inch iron rod found for reference bears South 04 degrees 31 minutes 08 seconds West, a distance of 1.12 feet;

THENCE North 00 degrees 05 minutes 03 seconds East, a distance of 137.22 feet to a 1/2 inch yellow capped iron rod set for at the intersection of the said present East line of Little School Road and in the said South line of Harrison Drive, from which mag nail set for reference bears South 89 degrees 55 minutes 00 seconds West, a distance of 4.40 feet;

THENCE North 89 degrees 55 minutes 00 seconds East, with the said South line of Harrison Drive, a distance of 135.60 feet to an "X" set for corner at the common North corner of said Lots 1 and Lot 3, from which an "X" found for reference bears North 82 degrees 18 minutes 04 seconds East, a distance of 0.98 feet and from which an "X" found for reference bears South 08 degrees 37 minutes 39 seconds East, a distance of 1.60 feet;

THENCE South 00 degrees 05 minutes 00 seconds East, a distance of 150.10 feet to the PLACE OF BEGINNING and containing 20,345 square feet or 0.47 of an acre of land.

THIS CERTIFICATION DOES NOT
TAKE INTO CONSIDERATION
ADDITIONAL FACTS THAT AN
ACCURATE TITLE SEARCH AND OR
EXAMINATION MIGHT DISCLOSE.

CM'S SHOWN HEREON ARE BASIS
FOR DIRECTIONAL CONTROL

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat: the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSTRACTING WORK FURNISHED BY MIRIAM LLAMAS

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 30'

Date: 11/24/2020

G. F. No.: N/A

Job no.: 202009382

Drawn by: CMR

USE OF THIS SURVEY FOR ANY OTHER PURPOSE
OR OTHER PARTIES SHALL BE AT THEIR RISK AND
UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR
ANY LOSS RESULTING THEREFROM.
THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR
MIRIAM LLAMAS

LEGEND	
WOOD FENCE	--- TEXT
CHAIN LINK	-O- IMPROVEMENTS
IRON FENCE	--- BOUNDARY LINE
WIRE FENCE	--- EASEMENT SETBACK
CM	RESIDENCE
CM	CONTROLLING MONUMENT
MRD	MONUMENTS OF RECORD DIGNITY
○ 1/2" IRON ROD FOUND	
○ 1/2" YELLOW-CAPPED IRON ROD SET	
□ POINT FOR CORNER	
□ FOUND "X"	
○ 5/8" IRON ROD FOUND	
● MAG NAIL SET	⊗ - ELECTRIC BOX
⊗ - CABLE	⊗ - ELECTRIC
⊗ - CLEAN OUT	⊗ - PE - POOL EQUIP
⊗ - GAS METER	⊗ - POWER POLE
⊗ - FIRE HYDRANT	⊗ - TELEPHONE
⊗ - LIGHT POLE	⊗ - WATER METER
⊗ - MANHOLE	⊗ - WATER VALVE
(UNLESS OTHERWISE NOTED)	



Date: May 11,, 2021

Agenda Item No: REGULAR ITEMS (B)

I. SUBJECT

CASE # BOA 21-05 to receive comments and consider action on a request for a special exception use by Mark Watson for the special exception use of Manufacturing, processing and packaging - light as required by Section 6.2 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas.

II. SUMMARY

BACKGROUND AND OVERVIEW	
Request	Special exception use to allow Manufacturing, processing & packaging – light in C2 zoning
Applicant	Mark Watson
Location	731-733 E Kennedale Parkway, 804 Mansfield Cardinal Road
Surrounding Uses	Light and heavy industrial, commercial, residential, vacant land
Surrounding Zoning	C2, R3, I
Future Land Use Plan Designation	Urban Corridor
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

This properties on Kennedale Parkway recently had several dilapidated residential structures on the site that were demolished over the summer 2020. That property is now vacant land. The two parcels on 731 E Kennedale Parkway and 733 E Kennedale Parkway that are the subject of this request extend from Kennedale Parkway to the east to Mansfield Cardinal Road and are zoned C2. 804 Mansfield Cardinal Road has a single family home on the property and is zoned R3.

SURROUNDING PROPERTIES & NEIGHBORHOOD

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The properties at 731W Kennedale Parkway and 804 Mansfield Cardinal Road front both Kennedale Parkway and Mansfield Cardinal Road. 733 W Kennedale Parkway only fronts the Parkway and backs onto 804 Mansfield Cardinal Road. The two streets are quite different in character and use. This area of Kennedale Parkway is one that transitions from retail and commercial uses to light and heavy

industrial uses to the south. Because of that, there is a mix of uses in the immediate area on the Parkway that include a self-storage facility, oil and gas spoiler supplier, welding shop, ambulance service, and vacant land. Most uses in the immediately surrounding area on Kennedale Parkway are commercial or light industrial. The character of Mansfield Cardinal is larger lot residential and the back of Brookstone Estates. The east side of the street is characterized by a long brick wall and the backs of Brookstone homes. The west side of the street, where the subject property backs onto, is characterized by single family homes. The lot in between the two subject lots is a long linear lot that also fronts Kennedale Parkway and has a vacant, single family home on it fronting Mansfield Cardinal.

REQUIREMENTS FOR A VARIANCE

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

In order to grant a variance, the 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

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.

Staff does not believe this use will be materially detrimental to or endanger the public health, safety, morals or general welfare. The proposed use is the expansion of an existing Kennedale business, R. E. Watson & Associates, currently located at 670 Tower Drive. This is a light industrial use, providing glass and glass products for real estate construction.

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

This use is compatible with the uses along Kennedale Parkway, and the industrial use can be made to appear compatible with commercial uses with the recommended conditions. The uses along Mansfield Cardinal are not compatible with this type of use. However the site plan and conditions indicate that there will be no access for vehicles or people from Mansfield Cardinal Road. The proposed improvements, including a wrought iron fence and tall landscaping, will improve the current conditions, which is an overgrown, vacant property. There will be no noise or traffic impact from Mansfield Cardinal Road. It will have a similar feel to the brick wall along Mansfield Cardinal that runs along the rear of that development while providing much more greenspace than the wall.

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.

Staff believes this is a positive development for Kennedale Parkway, bring a vacant tract of land to a viable commercial use, while enhancing the parkway with the brick or stone façade and landscaping that are part of the recommended conditions. Along Mansfield Cardinal, the attractive fencing and landscaping proposed will enhance that street, and will not impede normal development along the street.

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. Any drives along the parkway will need to be reviewed and approved by the Texas Department of Transportation.

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 use will comply to all district regulations. Staff recommends the conditions listed below be approved as part of the special exception.

STAFF RECOMMENDATION

The purpose of a special exception for this light industrial use of Manufacturing, processing and packaging – light in C2 zoning is to ensure that the use along with any special exception conditions is compatible with surrounding uses and does not impede development allowed in C2 zoning. Staff recommends approval of the special exception with the following conditions:

- PZ 20-11 and PZ 20-12 are approved. PZ 20-11 is a request to rezone 100' depth of the portion of 731 E Kennedale Parkway fronting Mansfield Cardinal from C2 to R3. PZ 20-12 is a request to rezone all but 100' depth of the portion of 804 Mansfield Cardinal Road from R3 to C2 (leaving 100' depth fronting Mansfield Cardinal Road R3)
- Office use to be located fronting Kennedale Parkway with warehouse building behind the office
- Front facing façade shall incorporate fenestration at least every 15 feet
- Front facing façade shall incorporate overhang awning and stone or brick columns
- Front facing façade shall incorporate at least 80% brick or stone
- Parking fronting Kennedale Parkway shall incorporate parking screening of 3-4 feet tall that is made of brick or stone, or of landscaping. A taller fence may be installed if desired, but must be wrought iron with 3-4' landscaping.
- 8' tall solid wood or similar material fencing shall be installed along the rear of the development and along any property line shared with residential use or zoning
- All landscaping shall be maintained, and any plants that die replaced with similar plants

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 granting a special exception listed in the staff report and satisfies the General Applicable Review Criteria in the Unified Development Code, and make a motion to approve case BOA 20-05.

Deny: Based on the evidence and testimony provided, I find that the proposed request does not meet the standards for granting a special exception listed in the staff report and does not satisfy the General Applicable Review Criteria (state which conditions are not met) in the Unified Development Code and make a motion to deny case BOA 20-05.

Approve with Conditions: Based on the evidence and testimony provided, I find that the proposed request meets the standards for granting a special exception listed in the staff report and satisfies the General Applicable Review Criteria in the Unified Development Code and make a motion to approve case BOA 20-05 with the following conditions (state conditions).

Date: May 11, 2021

Agenda Item No: REGULAR ITEMS (C)

I. SUBJECT

CASE # BOA 21-06 to receive comments and consider action on a request for variance by Mark Watson to allow 25' rear setback where a 50' setback is required by Section 6.3 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas.

II. SUMMARY

BACKGROUND AND OVERVIEW	
Request	Request for variance to allow 25' rear setback adjacent to residential property
Applicant	Mark Watson
Location	731-733 E Kennedale Parkway, 804 Mansfield Cardinal Road
Surrounding Uses	Light and heavy industrial, commercial, residential, vacant land
Surrounding Zoning	C2, R3, I
Future Land Use Plan Designation	Urban Corridor
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

This property at 731 and 733 E Kennedale Parkway recently had several dilapidated residential structures on the site that were demolished over the summer 2020. The property is now vacant land. These two parcels that are the subject of this request extend from Kennedale Parkway to the east to Mansfield Cardinal Road. 804 Mansfield Cardinal Road also extends from Mansfield Cardinal through to Kennedale Parkway and has a single family home on the site fronting Mansfield Cardinal.

SURROUNDING PROPERTIES & NEIGHBORHOOD

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The properties at 731 E Kennedale Parkway and 804 Mansfield Cardinal Rd front both Kennedale Parkway and Mansfield Cardinal Road, while 733 E Kennedale Parkway only fronts the Parkway. The two streets are quite different in character and use. This area of Kennedale Parkway is one that transitions from retail and commercial uses to light and heavy industrial uses to the south. Because of

that, there is a mix of uses in the immediate area on the Parkway that include a self-storage facility, oil and gas spoiler supplier, welding shop, ambulance service, and vacant land. Most uses in the immediately surrounding area on Kennedale Parkway are commercial or light industrial. The character of Mansfield Cardinal is larger lot residential and the back of Brookstone Estates. The east side of the street is characterized by a long brick wall and the backs of Brookstone homes. The west side of the street, where the subject property backs onto, is characterized by single family homes. The lot in between the two subject lots is a long linear lot that also fronts Kennedale Parkway and has a vacant, single family home on it fronting Mansfield Cardinal.

REQUIREMENTS FOR A VARIANCE

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

In order to grant a variance, the 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?

Yes. The properties at 731 E Kennedale Parkway and 804 Mansfield Cardinal Road are single parcels that extend from Kennedale Parkway to Mansfield Cardinal Road. The two streets are quite different in character, but have frontages on both streets. While Kennedale Parkway is commercial in nature, this part of Mansfield Cardinal Road is characterized by subdivisions backed onto Mansfield Cardinal road by a brick wall or fence and some single family structures fronting Mansfield Cardinal.

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

Yes, it is unique to have single parcels that are this long and front two streets of very different character and uses.

(3) Is the condition self-created?

No. The properties have been this configuration for many years, and uses have developed over the years that have increased the amount of development on both Kennedale Parkway and Mansfield Cardinal.

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

Yes. Other properties in this area of Kennedale Parkway have been developed as commercial or light industrial uses. Providing the 25' setback from residential will allow for commercial to develop on these properties while still allowing for residential uses on the rear of the properties, fronting Mansfield Cardinal Road.

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

Yes. As is the case for adjacent properties, some depth is needed to develop the property for uses allowed by the zoning on the property. Two of the parcels extend to Mansfield Cardinal, which is residential in character. However, staff does not believe that residential is an appropriate use for Kennedale Parkway. The 25' setback allows for commercial on the Parkway and residential on Mansfield Cardinal Road.

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

No. The property could be developed in a manner consistent with other properties in the same area.

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

Yes, due to information stated above.

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

Yes, in that the property owner would not be able to develop the property in a manner consistent with other properties in the same area.

STAFF RECOMMENDATION

Due to the unusual shape and configuration of the lots in this area of Kennedale Parkway and Mansfield Cardinal, staff believes that allowing a 25' rear setback rather than 50' will allow for the commercial use on the Parkway while still allowing for residential use on Mansfield Cardinal Road. Staff recommends approval.

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.

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).

Date: May 11, 2021
Agenda Item No: REGULAR ITEMS (D)

I. SUBJECT

CASE # BOA 21-07 to receive comments and consider action on a request for variance by Mark Watson to allow 30% of the front principle building line within the build-to-zone where 75% is required in the Commercial Corridor Overlay District by Section 8.2.C.2 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas.

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Request to allow 30% of the front principle building line within the build-to-zone
Applicant	Mark Watson
Location	731-733 E Kennedale Parkway, 804 Mansfield Cardinal Road
Surrounding Uses	Light and heavy industrial, commercial, residential, vacant land
Surrounding Zoning	C2, R3, I
Future Land Use Plan Designation	Urban Corridor
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

This property at 731 and 733 E Kennedale Parkway recently had several dilapidated residential structures on the site that were demolished over the summer 2020. The property is now vacant land. These two parcels that are the subject of this request extend from Kennedale Parkway to the east to Mansfield Cardinal Road. 804 Mansfield Cardinal Road also extends from Mansfield Cardinal through to Kennedale Parkway and has a single family home on the site fronting Mansfield Cardinal.

SURROUNDING PROPERTIES & NEIGHBORHOOD

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The properties at 731 E Kennedale Parkway and 804 Mansfield Cardinal Rd front both Kennedale Parkway and Mansfield Cardinal Road, while 733 E Kennedale Parkway only fronts the Parkway. The two streets are quite different in character and use. This area of Kennedale Parkway is one that

transitions from retail and commercial uses to light and heavy industrial uses to the south. Because of that, there is a mix of uses in the immediate area on the Parkway that include a self-storage facility, oil and gas spoiler supplier, welding shop, ambulance service, and vacant land. Most uses in the immediately surrounding area on Kennedale Parkway are commercial or light industrial. The character of Mansfield Cardinal is larger lot residential and the back of Brookstone Estates. The east side of the street is characterized by a long brick wall and the backs of Brookstone homes. The west side of the street, where the subject property backs onto, is characterized by single family homes. The lot in between the two subject lots is a long linear lot that also fronts Kennedale Parkway and has a vacant, single family home on it fronting Mansfield Cardinal.

REQUIREMENTS FOR A VARIANCE

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

In order to grant a variance, the 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?

Yes. The 75% building frontage results in parking being in the rear. However, the long, narrow character of these parcels, combined with the goal of shortening the parcels to allow for residential fronting Mansfield Cardinal, creates a challenge in meeting parking requirements in the rear and still having space for the building needed.

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

Yes, it is unique to have long narrow parcels that extend from one corridor or collector to another.

(3) Is the condition self-created?

No. In an effort to provide for residential uses fronting Mansfield Cardinal, the applicant was able to acquire another property so that the rear of the properties could be dedicated to residential use. This created a need to purchase an additional lot, combine the lots, and revise the site plan, resulting in the need for the variance.

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

Yes. Most other properties on the Parkway do not have these characteristics.

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

Yes, it would hinder the ability to use the property.

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

No. The property could be developed in a manner consistent with other properties in the same area.

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

Yes, due to information stated above.

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

Yes, in that the property owner would not be able to develop the property in a manner consistent with other properties in the same area.

STAFF RECOMMENDATION

Due to the unusual shape and configuration of the lots in this area of Kennedale Parkway and Mansfield Cardinal, staff believes that allowing the requested variance will allow for the commercial use on the Parkway while still allowing for residential use on Mansfield Cardinal Road. Staff recommends approval.

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.

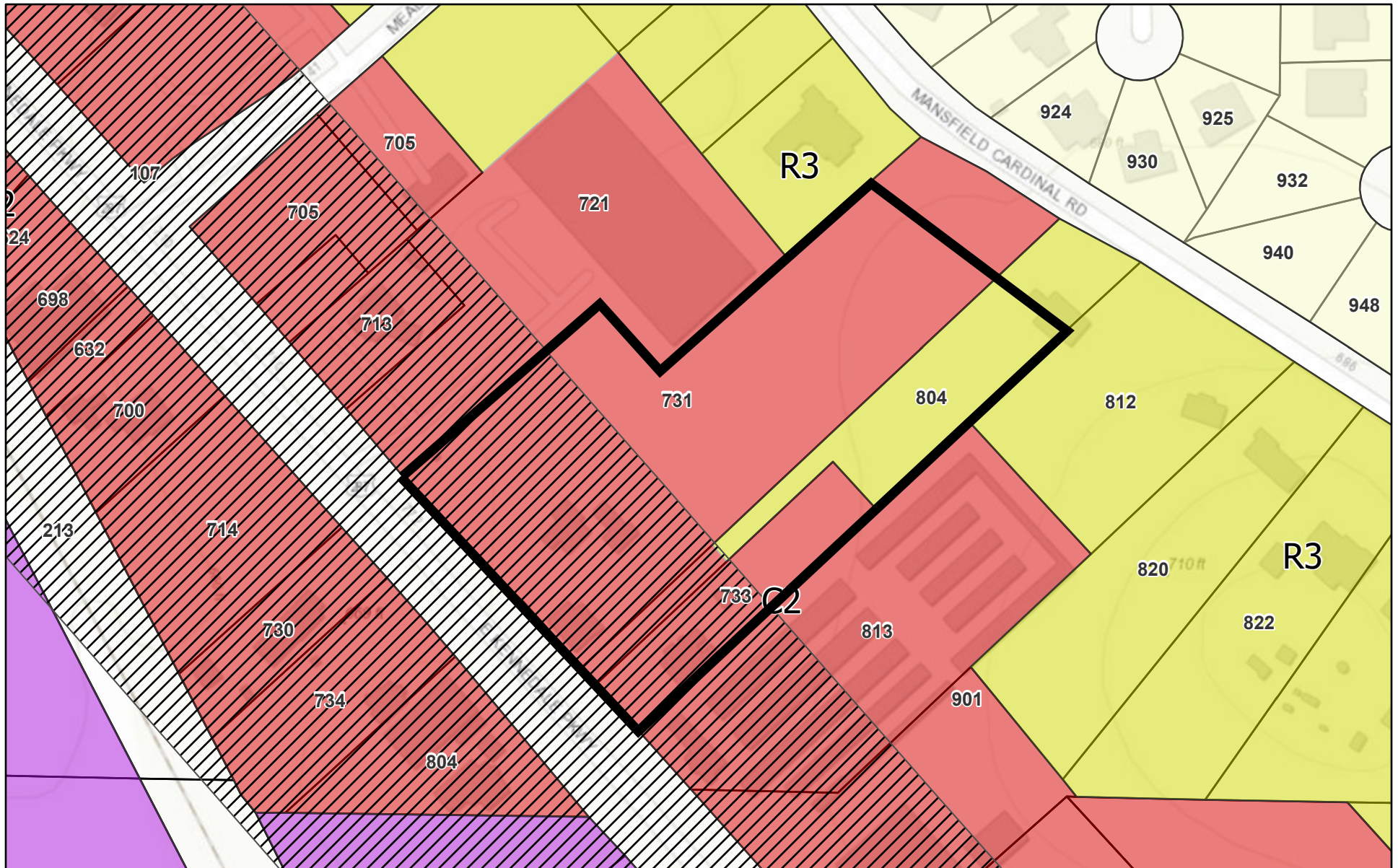
Deny: Based on the evidence and testimony provided, I find that the proposed use does not meet the standards for a variance and make a motion to deny the request.

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).

R E Watson & Assoc Development



5/7/2021, 4:17:00 PM

Overlay Districts - Business 287 and Interstate 20/820 Loop

Zoning (View)

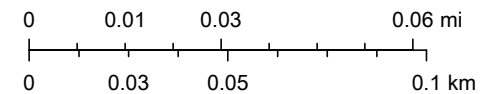
C2 - General Commercial District

I - Industrial District

R2 - Single Family Residential District

R3 - Single Family Residential District

1:2,257



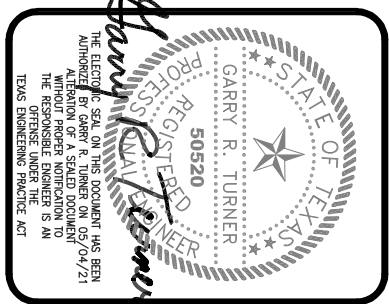
City of Arlington, TX, City of Fort Worth, Tarrant County College, Texas Parks

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 | Tarrant Appraisal District |



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BOAZ, TEXAS 75758
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JAMES R. TURNER, P.E.
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JAMES R. TURNER, P.E.
ENGINEER
COMPANY REGISTRATION #
F-2553



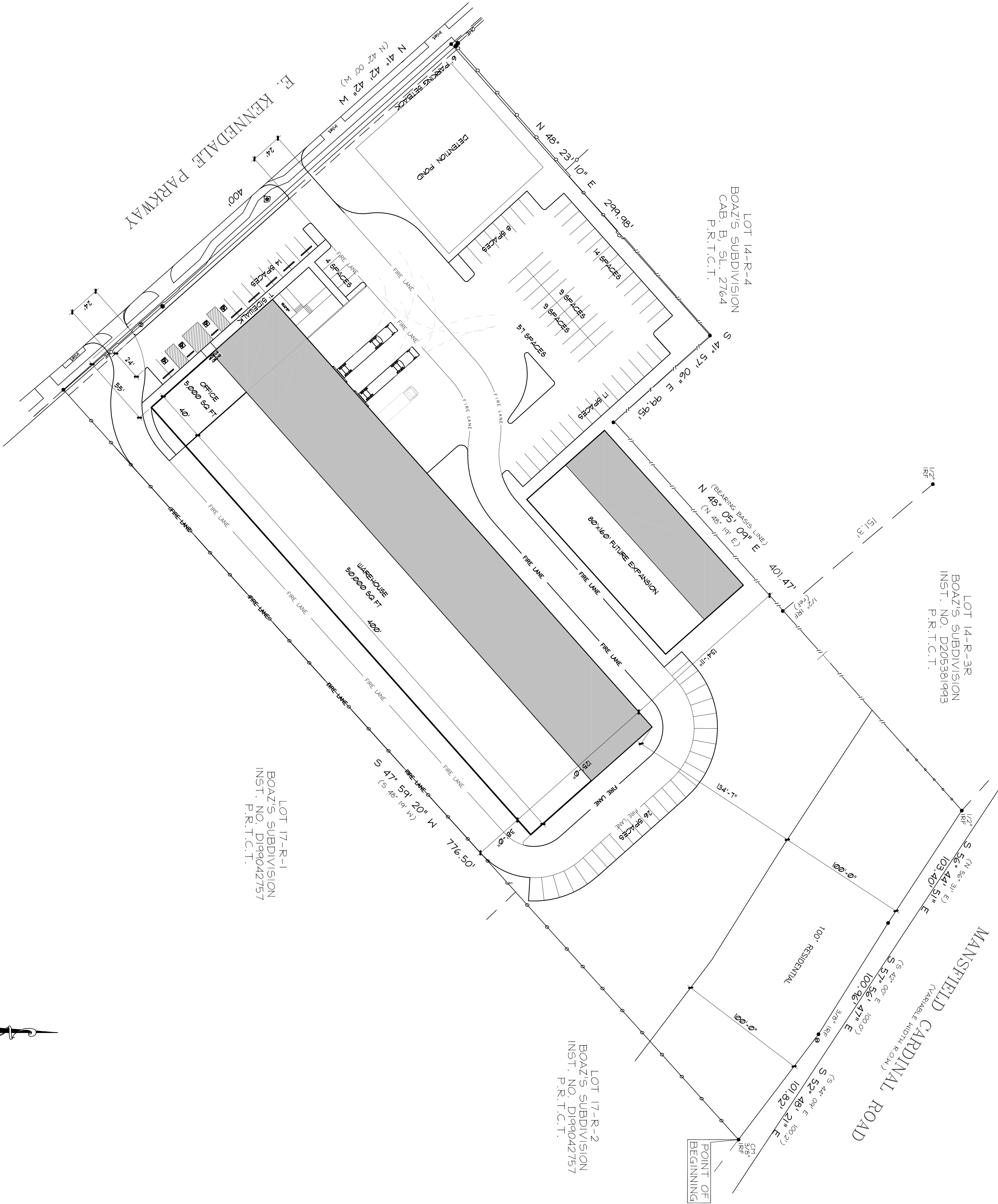
ISSUE / REVISION		
NO.	DATE	DESCRIPTION

Site Plan Study Buuilding @ SE Corner

New Facilities
for
R. E. Watson & Associates, Inc.
731 Kennedale Pkwy, Kennedale, Texas

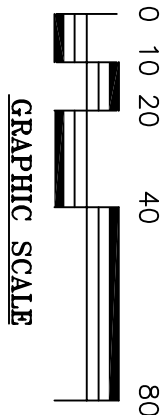
DATE: 05/04/21
JOB NO.: 21114

SHEET:
CIFS
OF SHEETS

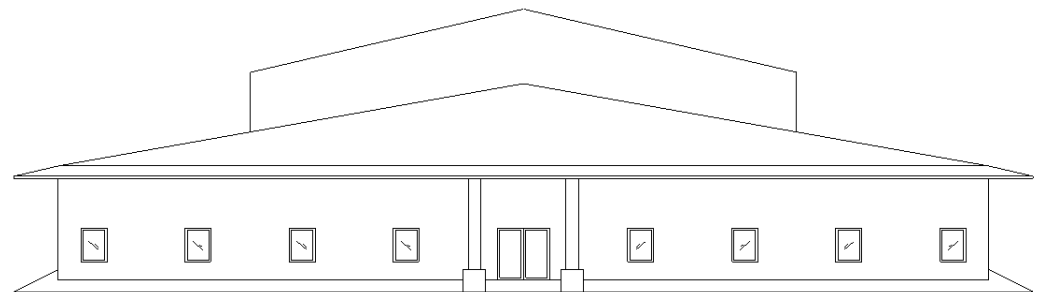


Site Plan Building in SE Corner

SCALE: 1" = 40'-0"



PARKING REQUIRED: 7
OFFICE 34
WAREHOUSE 58
FUTURE STORAGE 97
PROVIDED: 4
HANDICAPPED: 1

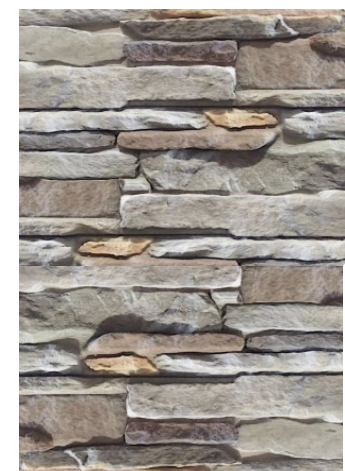
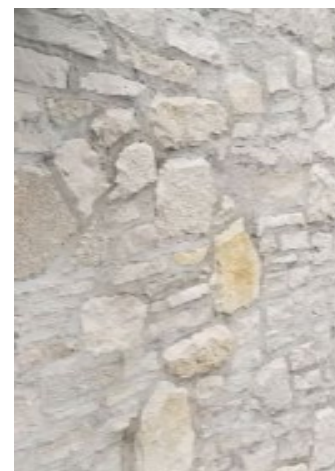


SHAPE TO RESEMBLE PICTURED

RE WATSON WOULD INCLUDE:

OVERHANG AWNING AROUND OFFICE

FINISHED COLUMNS (STONE or BRICK)



FINISHES

TAN METAL

SAND or BROWN TRIM

STONE or BRICK ENTIRE OFFICE (FAÇADE AND SIDES)