

BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING | JULY 12, 2022 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

To address the Board of Adjustment regarding an agenda item, submit a 'Request to Speak' form before the meeting begins. Speakers are allotted three (3) minutes, must limit their comments to the subject indicated on the form, and should address the Board of Adjustment as a whole, rather than individual members or staff. Pursuant to Texas Government Code §551.071, the Board of Adjustment reserves the right to adjourn into Executive (Closed) Session at any time during the meeting to seek legal advice from the City Attorney on any item posted on the agenda.

A. ROLL CALL

II. EXECUTIVE SESSION

The Board of Adjustment reserves the right to meet in Executive (Closed) Session at any time during the meeting pursuant to the below cited sections of the Texas Government Code:

- A. PURSUANT TO §551.071 — Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda, legal issues regarding the Open Meetings Act, and the following:**

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

IV. REGULAR SESSION

A. SWEARING IN OF SPEAKERS

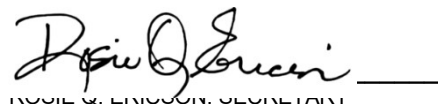
B. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider approval of the May 10, 2022 regular meeting minutes
2. **CASE # PZ 22-02** to receive comments and consider action on a request for a variance by Alex Alkhazshvilly to permit a reduction in the minimum lot width as permitted in the "AG" Agricultural District by Section 3.3 of the Unified Development Code for 206 Falcon Crest Drive, portion of Lot 3B, Block 2 situated in the Oliver Acres Subdivision, City of Kennedale, Tarrant County, Texas

V. ADJOURNMENT

CERTIFICATION

I DO HEREBY CERTIFY THAT THE JULY 12, 2022 BOARD OF ADJUSTMENT 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.



ROSIE G. ERICKSON, SECRETARY

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.



MEETING DATE: JULY 12, 2022

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.B.

SUBJECT
ITEMS FOR INDIVIDUAL CONSIDERATION

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS



MEETING DATE: JULY 12, 2022

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.B.1.

SUBJECT

Consider approval of the May 10, 2022 regular meeting minutes

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	2022_05.10 BOA Minutes - WM	2022_05.10 BOA Minutes - WM.doc
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BOARD OF ADJUSTMENT MINUTES

REGULAR MEETING | MAY 10, 2022 AT 5:30 PM

CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

Chair Azam Shaikh called the meeting to order at 5:34 p.m.

A. ROLL CALL

PRESENT: Chair Azam Shaikh Place 1; Kelli Rod Place 3; Thelma Kobeck Place 4, Patrick Vader Place 5, **ABSENT:** Jeff Nevarez Place 2, Myron Jones Alternate Place 8
Staff: *Interim City Manager Darrell Hull; Community Development Director Elizzebeth Loomis, Administrative Assistant Rosie Ericson Consultant: Chance LeBlanc with Dunaway Associates.*

II. REGULAR SESSION

A. SWEARING IN OF SPEAKERS

B. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider approval of the minutes from the October 12, 2021 regular meeting
Motion To Approve. Action Approve the minutes from the October 12, 2021 regular meeting. **Moved By:** Vader **Seconded By:** Kobeck. **Motion passes unanimously**
2. **CASE #BOA 22-01** — Public Hearing and consider action on a request for a variance by JD Design & Developer, LLC to permit more than the allowable impervious area as permitted by Section 6.3 of the Unified Development Code for 801 Potomac Parkway, Lot 1, Block1 situated in the M.P. Land Survey, Abstract 987, City of Kennedale, Tarrant County, Texas
The BOA held a lengthy discussion regarding this allowable impervious area; which included 5 parking spaces and less green pace. The developer spoke and shared his plans to the Board. It will be their first-time doing business in Kennedale.

Public Hearing opened at 5:43 p.m.

No speakers at this time. Discussion among Board and developer.

Discussion and hearing closed at 6:27 p.m.

Motion To Approve Action: Approve JD Design & Developer, LLC to permit more than the allowable impervious area as permitted by Section 6.3 of the Unified Development Code for 801 Potomac Parkway, Lot 1, Block 1 situated in the M..P. Land Survey, Abstract 987, City of Kennedale. **Motion By:** Vader and **Seconded By** Kobeck. **Motion passes unanimously.**

III. ADJOURNMENT

**Motion To Adjourn Action Adjourn Motion Moved By Vader and Seconded by Rod.
Motion passes unanimously.**

Chair Shaikh adjourned at the meeting at 6:33 p.m.

APPROVED:

ATTEST:

BOA/BBA Chair, Azam Shaikh

Administrative Assistant Rosie Ericson

UNAPPROVED UNTIL APPROVED BY BOA BOARD

STAFF REPORT TO THE BOARD OF ADJUSTMENT

Date: July 12, 2022

Agenda Item No:

I. SUBJECT

CASE # PZ 22-02 to receive comments and consider action on a request for a variance by Alex Alkhazshvilly to permit a reduction in the minimum lot width as permitted in the "AG" Agricultural District by Section 3.3 of the Unified Development Code for 206 Falcon Crest Drive, portion of Lot 3B, Block 2 situated in the Oliver Acres Subdivision, City of Kennedale, Tarrant County, Texas

II. SUMMARY

BACKGROUND AND OVERVIEW	
Request	Variance request to allow for a residential lot width of 24' instead of the required 80' lot width as per AG Zoning.
Applicant	Alex Alkhazshvilly
Location	206 Falcon Crest Drive
Surrounding Uses	Sing-Family Residential and Undeveloped
Surrounding Zoning	R1 & R2 Residential & AG Agricultural
Future Land Use Plan Designation	Neighborhoods
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

The property is approximately 2 acres and is currently undeveloped.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The property to the north consists of two existing houses. Along the east side of the property is large tract of undeveloped land. The property along south is a 1-acre residential lot currently in construction. To the west is an existing house.

STAFF REVIEW

FUTURE LAND USE MAP

The Future Land Use Plan indicates this property as Neighborhoods

RELATED GOALS FROM THE COMPHREHENSIVE LAND USE PLAN

Principle 2: Economic Prosperity. Promote Access to Housing.

Providing housing options for people of varying financial means and residential preferences.
Provide the regulatory framework and developer support to provide quality housing for residents.

CITY COUNCIL ENDS STATEMENTS AND GOALS

- Well-planned community based on principles of connected city, economic prosperity, and a thriving community.

ANALYSIS

Requirements for a Variance:

IS THE REQUEST OWNING TO A SPECIAL CONDITION INHERENT IN THE PROPERTY ITSELF?

Yes. The property is currently landlocked

IS THE CONDITION UNIQUE TO THE PROPERTY FOR WHICH A VARIANCE IS CREATED?

Yes. There are no current plans to extend Falcon Crest Drive, which would provide direct access.

IS THE CONDITION SELF-CREATED?

The property to the west was sold without having an access agreement executed. Even with an access agreement, there would still be issues with the existing conditions and to connecting to Collett Sublett Road.

WILL A STRICT ENFORCEMENT OF THE ZONING ORDINANCE CREATE A HARDSHIP ABOVE THAT SUFFERED BY THE GENERAL PUBLIC?

Yes, the adjacent property owners have agreed to deed/sale a minimal portion of their property to grant the direct access to Falcon Crest. Therefore, requiring the 80 ft. lot width would involve additional property to be deeded/sold from the adjacent landowners.

WILL THE HARDSHIP DEPRIVE THE PROPERTY OWNER THE RIGHT TO USE HIS/HER PROPERTY?

Yes, lot is currently undevelopable without direct access to the public right-of-way.

WOULD GRANTING A VARIANCE BE CONTRARY TO THE PUBLIC INTEREST?

No. The variance will not have a negative impact on the public interests.

IS THE REQUEST WITHIN THE SPIRIT OF THE ORDINANCE AND FURTHER SUBSTANTIAL JUSTICE?

Yes. To provide adequate access to a public right-of-way, as per the UDC, a waiver is necessary.

STAFF RECOMMENDATION

Based on the above analysis, staff recommends approval of the variance request

ACTION BY THE BOARD OF ADJUSTMENT

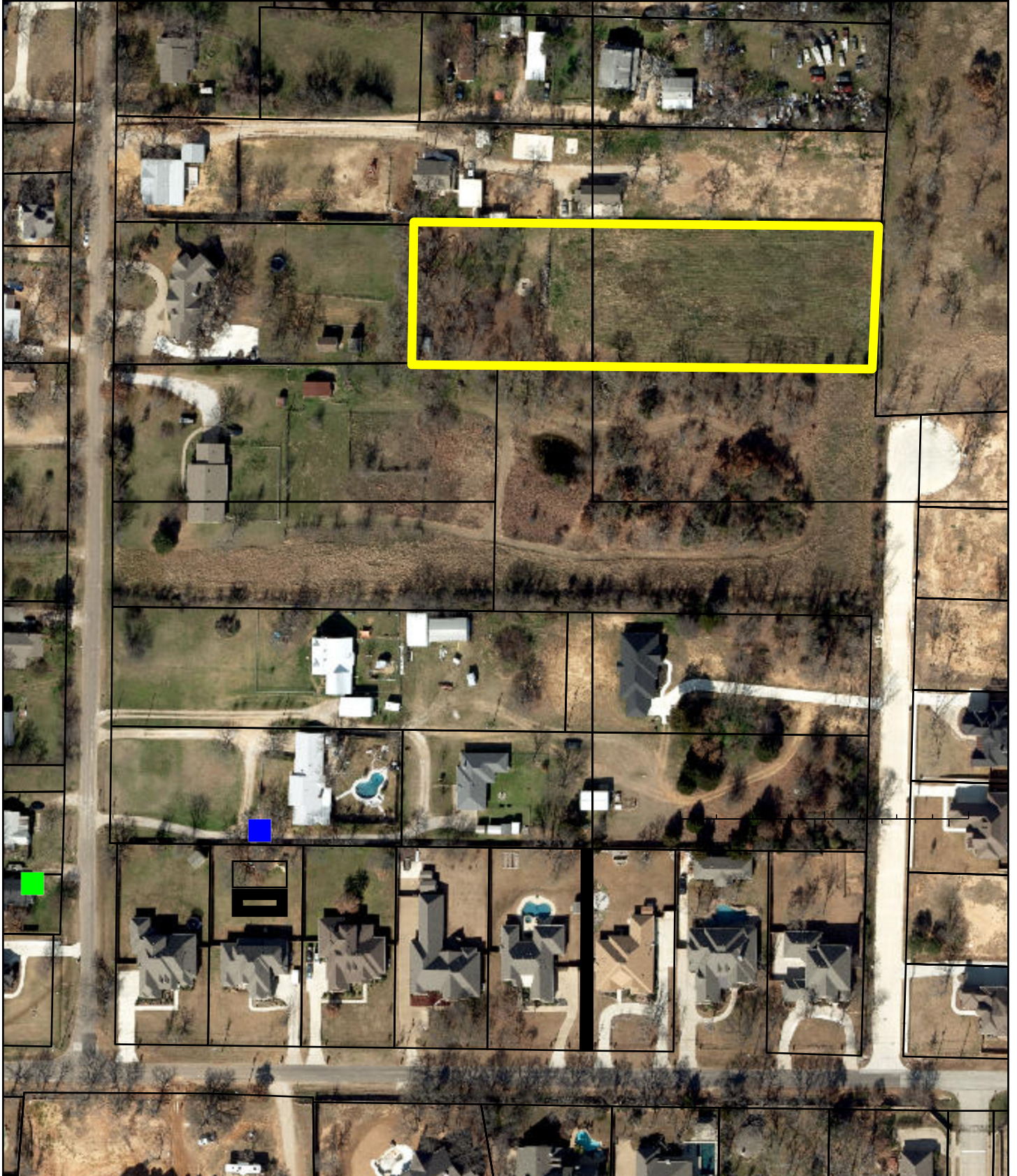
The Board of Adjustment may approval or deny the request for a variance.

Approval: Based on the information presented, I find that the request meets city requirements the standards for a variance and make a motion to approve the requested variance.

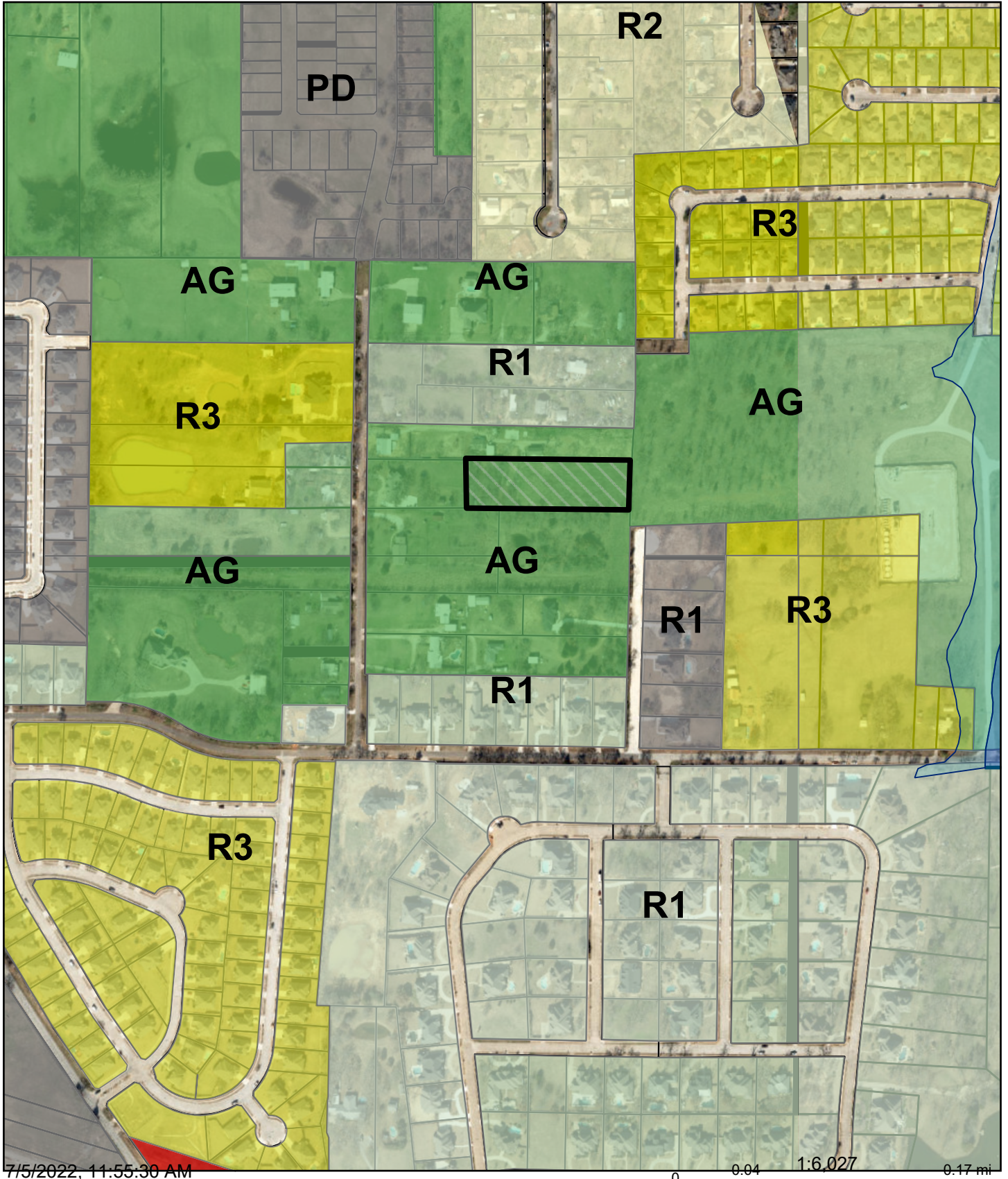
Deny: Based on the information presented, I find that the proposed use does not meet the standards for a variance and make a motion to deny the request.

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 22-02. with the following conditions (state conditions).

ArcGIS Web Map



ArcGIS Web Map



Image

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Overlay Districts - Floodplain

- Floodway
- 1% Annual Chance Flood Hazard

Zoning (View)

- AG - Agricultural District
- C2 - General Commercial District
- R1 - Single Family Residential District
- R2 - Single Family Residential District
- R3 - Single Family Residential District
- PD - Planned Development District

City of Arlington, TX, City of Fort Worth, Tarrant County College, Texas Parks & Wildlife, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METI/NASA, EPA, USDA

Web AppBuilder for ArcGIS

City of Arlington, TX, City of Fort Worth, Tarrant County College, Texas Parks & Wildlife, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA | Tarrant Appraisal District |

EXHIBIT "B"

PORTION OF
LOT 3, BLOCK 2
OLIVER ACRES
VOL. 1383, PG. 586
D.R.T.C.T.

ALEX AND DEBBIE
ALKHAZSHVILLY
CC# D218141924
O.P.R.T.C.T.

LOT 1R, BLOCK A
BOWERMAN ADDITION
CC# D212279531
O.P.R.T.C.T.

BOWERMAN OIL & GAS INC.
VOL. 10503, PG. 2066
D.R.T.C.T.

J.M. LILLY SURVEY
ABSTRACT NO. 980

0.026 ACRE
(1,119 SQ. FT.)

MICHAEL MARK McCLURE
AND
AMY KAY McCLURE
CC# D222099919
O.P.R.T.C.T.

LOT 4AR2, BLOCK 2
OLIVER ACRES ADDITION
CC# D222113173
O.P.R.T.C.T.



JUNE 1, 2022

Course	Bearing	Distance
L1	S 87°15'15" W	50.10'
L2	N 00°18'24" E	44.72'
L3	S 49°38'32" E	65.35'

1/2" IRON ROD MARKED
"BRITTAINE & CRAWFORD"
SET

30' WIDE PERMANENT PIPELINE EASEMENT
CC# D210035223
O.P.R.T.C.T.

POINT OF BEGINNING
(1/2" IRON ROD FOUND)

L1
1/2" IRON ROD
FOUND
"WIER"

TEMPORARY TURNAROUND
EASEMENT
CC# D217034675
O.P.R.T.C.T.

35' WIDE GAS EASEMENT
CC# D208445610
O.P.R.T.C.T.

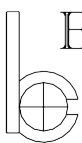
SURVEY LINE

FALCON CREST DRIVE
(50' PUBLIC RIGHT-OF-WAY)

BEN JOPLING SURVEY
ABSTRACT NO. 980

BLOCK 1
FALCON CREST ESTATES
CC# D217034675
O.P.R.T.C.T.

LOT 6

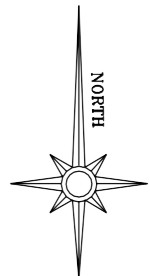


BRITTAINE & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING

TEL (817) 926-0211
FAX (817) 926-9347
P.O. BOX 11374 • 3908 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com
WEBSITE: www.brittain-crawford.com

FIRM CERTIFICATION# 1019000

EXHIBIT MAP
OF
ACCESS EASEMENT
LOCATED IN
LOT 1R, BLOCK A
BOWERMAN ADDITION
CITY OF KENNEDALE,
TARRANT COUNTY, TEXAS



SCALE 1"=40'

EXHIBIT "B"

PORTION OF
LOT 3, BLOCK 2
OLIVER ACRES
VOL. 1383, PG. 586
D.R.T.C.T.

ALEX AND DEBBIE
ALKHAZSHVILLY
CC# D218141924
O.P.R.T.C.T.

Course	Bearing	Distance
L1	N 49°38'32" W	68.88'
L2	N 89°52'26" E	52.73'
L3	S 00°18'24" W	44.72'

LOT 1R, BLOCK A
BOWERMAN ADDITION
CC# D212279531
O.P.R.T.C.T.

J.M. LILLY SURVEY
ABSTRACT NO. 980

0.027 ACRE
(1,179 SQ. FT.)

1/2" IRON ROD MARKED
"BRITTAIN & CRAWFORD"
SET

30' WIDE PERMANENT PIPELINE EASEMENT
CC# D210035223
O.P.R.T.C.T.

**POINT OF
BEGINNING**

MICHAEL MARK McCLURE
AND
AMY KAY McCLURE
CC# D222099919
O.P.R.T.C.T.

LOT 4AR2, BLOCK 2
OLIVER ACRES ADDITION
CC# D222113173
O.P.R.T.C.T.



JUNE 1, 2022

35' WIDE GAS EASEMENT
CC# D208445610
O.P.R.T.C.T.

SURVEY LINE

FALCON CREST DRIVE
(50' PUBLIC RIGHT-OF-WAY)

1/2" IRON ROD FOUND

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FOUND
"WIER"

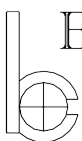
TEMPORARY TURNAROUND
EASEMENT
CC# D217034675
O.P.R.T.C.T.

LOT 7

BEN JOPLING SURVEY
ABSTRACT NO. 980

BLOCK 1
FALCON CREST ESTATES
CC# D217034675
O.P.R.T.C.T.

LOT 6

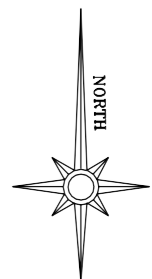


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FIRM CERTIFICATION# 1019000

**EXHIBIT MAP
OF
ACCESS EASEMENT
LOCATED IN
LOT 4AR2, BLOCK 2
OLIVER ACRES ADDITION
CITY OF KENNEDALE,
TARRANT COUNTY, TEXAS**



SCALE 1"=40'