

BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING | FEBRUARY 14, 2023 AT 6:00 PM
CITY COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE , KENNEDALE, TX 76060

I. CALL TO ORDER

To address the 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 as a whole, rather than individual members or staff. Pursuant to Texas Government Code §551.071, the 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. REGULAR SESSION

A. SWEARING IN OF SPEAKERS

B. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Approval of the minutes from the July 12, 2022 regular meeting
2. Consider approval of the special exception request on BOA/BBA #23-01

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

IV. EXECUTIVE SESSION

The 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.***

V. ADJOURNMENT

CERTIFICATION

I DO HEREBY CERTIFY THAT THE FEBRUARY 14, 2023 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 Q. 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: FEBRUARY 14, 2023

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM II.B.

SUBJECT
ITEMS FOR INDIVIDUAL CONSIDERATION

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS



MEETING DATE: FEBRUARY 14, 2023

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

SUBJECT

Approval of the minutes from the July 12, 2022 regular meeting

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

BOARD OF ADJUSTMENT MINUTES

REGULAR MEETING | JULY 12, 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 6:00 p.m.

ROLL CALL

PRESENT: Chair Azam Shaikh Place 1: Jeff Nevarez, Place 2; Kelli rod, Place 3, Thelma Kobeck Place 4, Patrick Vader, Place 5, Myron Jones Place 8. **STAFF:** Darrell Hull City Manager; Caroline Green, Interim City Secretary **CONSULTANT:** Chance LeBlanc, Dunaway

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

Motion To Approve Approve the minutes of the May 10, 2022 regular meeting minutes. **Motion By** Vader **Seconded By** Nevarez. **Motion passes unanimously.**

2. **CASE # BOA 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

City Consultant Chance LeBlanc overview of the applicants request. They would like a variance request for 206 Falcon Crest Drive. The request of a variance from Section 3.3 (Spatial Requirements) to Permit a reduction in the minimum lot width as permitted in the AG agriculture zoning district.

PUBLIC CITIZEN FORUM

Brad Horton **104 Falcon Crest Dr., Kennedale, TX 76060**, he and his wife opposed.

Oleta Krum **112 Falcon Crest Drive, Kennedale, TX 76060**, opposed

Hillary Pries, **115 Falcon Crest Drive, Kennedale, TX 76060** opposed.

In addition to the above speakers we had several pages of petitions from the neighbors also opposed to BOA #22-02

Motion To Approve. **Action Motion By** Nevarez **Seconded By** Vader.

Motion was denied. Jones abstained 3-1-2. **For** Nevarez, Vader, Shaikh

AGAINST: Rod, Kobeck

V. ADJOURNMENT

Motion To: Adjourn **Action** Adjourn **Motion By** Nevarez **Seconded By** Rod **motion passes unanimously.**

Chair Azam Shaikh adjourned the meeting at 7:25 p.m.

MEETING DATE: FEBRUARY 14, 2023

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM II.B.2.

SUBJECT

Consider approval of the special exception request on BOA/BBA #23-01

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	6317 Wildcat Way BOA SE Required	6317 Wildcat Way BOA SE Required.docx
2.	BOA Application & Supplemental Docs	BOA Application & Supplemental Docs.pdf
3.	Supplmental Docs	Supplmental Docs.pdf



PLAN REVIEW COMMENTS

Date: 01/09/23
 Permit: 23-412
 Address: 6317 Wildcat Way, Kennedale, TX 76060
 Applicant: Hussein Khazem
 Status: *Special Exception Approval Required*

Mr. Khazem,

As discussed, the building permit issued was only to cover the remodel of the existing office, restroom, and exterior bays. The third-party reviewer, SafeBuilt, does not review for zoning compliance. As I understand it, you met with staff prior to purchasing the property who advised your proposed change of use (*Vehicle repair, minor*) was permitted by right in the C1 Zoning District. After further review, unfortunately what you were informed of by staff was incorrect. A *Special Exception* must be granted by the Board of Adjustment before a *Certificate of Occupancy* can be approved. I've reference UDC Table 6.2 below for your review:

Use	C-0	C-1	C-2	I	Other
School, specialized/training	S	S	P	P	
Offices and Services					
Animal services, animal clinic/hospital		P	P	P	11.4
Animal services, commercial kennel		S	P	P	11.4
Animal services, shelter or rescue		S	P	P	11.4
Body branding, piercing and tattoo facility		S	P		
Child care center		P	P	P	11.6
Crematorium				P	
General offices and services, alternative financial establishments		S	S	S	11.11
General offices and services- bank/financial services		P	P		
General offices and services, bail bond establishment		S	S	S	11.12
General offices and services- business services		P	P		
General offices and services- business support services		P	P		
General Offices & Services- Construction and Building Services, indoor storage		P	P	P	
General Offices & Services- Construction and Building Services, outdoor storage			P	P	11.25
General offices and services- gunsmith and sales	P	P	P	P	
General offices and services- personal services	P	P	P		
General offices and services- personal services- funeral home (without crematory services)		S	P	P	
General offices and services- personal services- laundry and dry cleaners	P	P	P	P	
General offices and services- professional and administrative services		P	P		
General offices and services- with a drive through facility		S	S		
Medical services, clinics		P	P		
Medical services, medical offices		P	P		
Medical services, hospital			P	P	
Vehicle repair, major			P	P	11.39
Vehicle repair, minor		S	P	P	
Vehicle wash		S	P	P	
Vehicle wash, trucks and heavy equipment			P	P	

Application to the Board of Adjustment to request a Special Exception may be made by submitting an application, supporting documents listed in the application, and payment of the applicable fee.



Please contact me if you have any questions or comments.

Regards,

Nathan Gonzales
Director of Community Development
City of Kennedale
405 Municipal Drive
Kennedale, Texas 76060
(817)985-2135
ngonzales@cityofkennedale.com
www.cityofkennedale.com



Permit Number _____

APPLICATION

BOARD OF ADJUSTMENT · SPECIAL EXCEPTION

Required Attachments

Please review the following requirements. Your application **will not be accepted** if any of the below items are missing or incomplete. Please submit your completed application to the Planning and Permits Department in person or via email at permits@cityofkennedale.com.

- ☐ Two site plans drawn to scale with all structures, fences, dimensions, property lines, etc. and how you propose to use the property.
- ☐ A statement to the BOA explaining your request and how your proposed use would meet the six standards for a special exception.
- ☐ Owner affidavit form completed if the applicant is not the property owner.
- ☐ A \$250 filing fee.
- ☐ Any other information that you feel will help explain your request.

Applicant Information

Applicant Name: HUSSEIN KHAZEM

Applicant Address: 11442 CORSICANA DR FRISCO, TX 75035

Applicant Phone: 469-955-2274 Applicant Email: KHAZEMH@ATT.NET

Property Address: 6317 WILDCATWAY

Property Legal Description: SELF SERVICE CARWASH

Special Exception Use Requested: MINOR AUTO REPAIR

Owner Information (If different than applicant)

Owner Name: Same

Owner Address: _____

Owner Phone: _____ Owner Email: _____

Special Exception Request

Please provide a statement explaining your request and how your proposed use will meet the following six standards:

1. Will the establishment, maintenance, or operation of the use you are requesting be materially detrimental to or endanger the public health, safety, morals, or general welfare?
2. Will the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted be in any foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the use for which you are requesting a special exception?
3. Will the establishment of the use you are requesting significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?
4. Have adequate utilities, access roads, drainage, and other necessary site improvements been (or will be) provided? (If adequate improvements are not already in place, you must demonstrate what improvements you will make and how/when).
5. Have adequate measures been taken or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets?
6. Does the use conform to all applicable area, yard, height, lot coverage, building size, exterior requirements, and parking space regulations of the district in which it is located?

Special Exception Checklist

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

If yes, when was the application or appeal filed? _____

Has a special exception for the same use been granted for this property? ☐ Yes ☒ No

If this request is for oil or gas well drilling, how many wells are requested? _____

☐ New Construction ☐ Addition ☒ Remodel

Site Improvements

Adequate water service in place? ☒ Yes ☐ No Size of water line available: _____

Adequate sewer service in place? ☒ Yes ☐ No Size of sewer line available: _____

Adequate drainage facilities in place? ☒ Yes ☐ No Describe: _____

Adequate access roads in place? ☒ Yes ☐ No Describe: _____

Other necessary site improvements: _____

Ingress and Egress

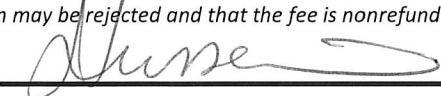
Drive approach width is adequate? ☒ Yes ☐ No

Drive/parking are sufficient to prevent/minimize stacking/congestion in public streets? ☒ Yes ☐ No

Number of parking spaces provided: 8

Applicant Agreement

By signing below, I acknowledge that I have read and completed all applicable requirements. I understand that if I have submitted an incomplete or false application, my application may be rejected and that the fee is nonrefundable.

Signature of Applicant:  Date: 1/10/2023

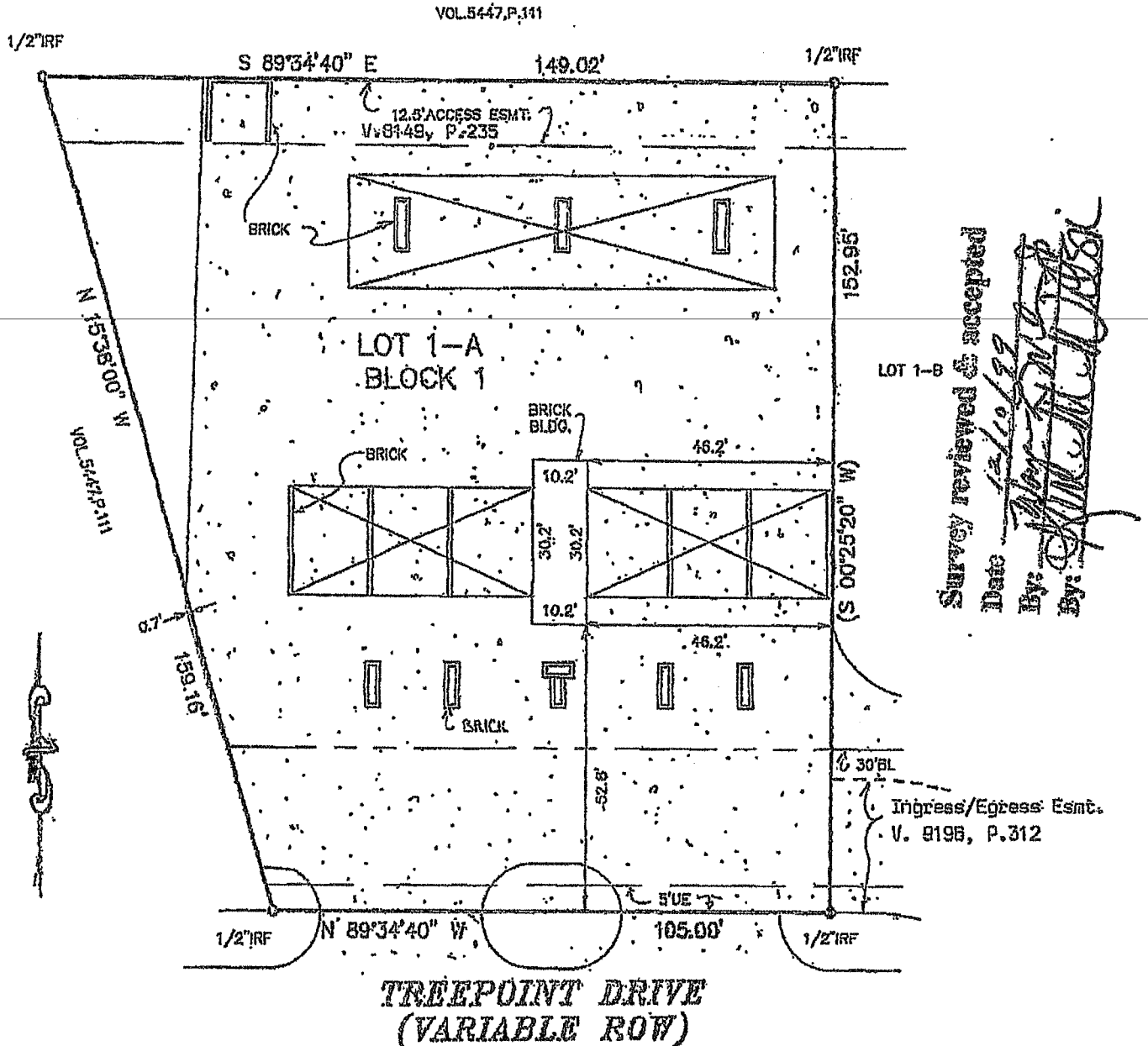
Please submit to permits@cityofkennedale.com with supporting documents if applicable.

Planning and Permits · City of Kennedale · 405 Municipal Dr. · Kennedale, TX 76060 · (817) 985-2133

For Office Use Only	
Completeness Check	
Application form completely filled and signed?	☒ Yes ☐ No
Attached site plan?	☒ Yes ☐ No
Fee paid?	☒ Yes ☐ No
Sign <u></u>	Date <u>1/10/23</u>

LEGEND OF ABBREVIATIONS AND SYMBOLS

B.C.	= Brick Column	I.R.F.	= Iron Rod Found	U	= Utility Pole	[Stippled Box]	= Concrete
B.D.S.F.	= Bois D'Ara stake found	I.R.S.	= Iron Rod Set	W.M.	= Water Meter	[Box with X]	= Covered porch, Entrance or Deck
BLDG.	= Structure with a Permanent Foundation	L.S.T.	= Landscape Timber	W.W.	= Wing Wall	[Horizontal Lines Box]	= Wood Deck
B.L.	= Building Line	M.E.	= Maintenance Easement	X.T.R.W.	= Cross Tie Retaining Wall	[Brick Pattern Box]	= Brick
D.E.	= Drainage Easement	P.A.E.	= Public Access Easement	O.H.E.S.	= Overhead Electric Service Line	[Circle with X]	= Record Data
D/W	= Driveway	P.O.B.	= Point of Beginning				
E.T.	= Electric Transformer	R.O.W.	= Right of Way				
F.P.	= Fence Post	R.W.	= Retaining Wall				
GR.	= Gravel	S.E.	= Sewer Easement				
I.P.F.	= Iron Pipe Found	S/W	= Sidewalk				
		U.E.	= Utility Easement				



Deeds recorded in Volume 9196, Page 312, Volume 9394, Page 1419 and Volume 9394, Page 1422, DRTCT, refer to easements recorded in Volume 8149, Page 235, Volume 8313, Page 338 and Volume 1328, Page 32, DRTCT, and to the easements as shown on plat recorded in Volume 398-211, Page 25, PRCT, all of which are addressed on this survey:

Easements recorded in Volume 8313, Page 338 and Volume 1328, Page 32, DRTCT, have no effect on this lot.

SAFEbuilt.
 Reviewed for Compliance by: Andrea Rios
 Date: 11/17/2022

This lot is shown as being located in Zone X by Flood Insurance Rate Map No. 48439C0437H, dated 8-2-95. It is not shown as being in a Special Flood Hazard Area Inundated by 100-Year Flood.

Borrower: Wilson
 Address: 6317 Treepoint Drive
 G.P. No.:
 Job No.: 911fg01

To whom it may concern,

My name is Hussein Khazem, and I am the new owner of the property 6317 Wildcat Way. The previous owner of the property made an agreement with me to purchase the property with the condition of the city allowing me to change the use to minor auto repair.

While proceeding with this process I went to City Hall with the previous owner's broker. I have spoken to a gentleman named James Cowey who was in charge of the planning department, he said that the property can be changed into a minor auto repair. Mr. Cowey then told me what documents were needed to proceed with the minor auto repair permit, I took his advice and obtained all the necessary documents that Mr. Cowey requested. The following week after meeting with Mr. Cowey I have submitted all the documents to him in person to proceed with the application, he advised that we are to change the drawing. After taking his advice, I changed the minor details in the drawing and went back down to City Hall to show him the changes per his request. Ms. Betty at the front desk explained that Mr. Cowey was in a meeting and could not review or meet with me. Mr. Cowey explained to leave the drawing with Ms. Betty and he will review when he is finished with the meeting. After 3 to 4 days of waiting, I decided to contact Mr. Cowey myself to get an update and I was not able to reach him. I am wanting to make sure everything is going smoothly so I went back down to City Hall again, just to find out he no longer works with the city anymore.

A kind woman named Andrea Rios told me she is going to be helping with the permit process temporarily. I handed her all the documents so she can review and make sure everything is up to date. After Ms. Rios reviewed, she says we are all set to proceed forward and she will submit the documents to a third party for approval. After waiting, the third party approved the documents, and I received by email the permit from the city and the approval of the plan has been stamped.

After receiving the permit for the property, I have finalized the purchase of 6317 Wildcat Way and taken out the necessary loans to complete the purchase. There is also a permit number from the city, 412. We started moving forward to convert the property to a minor auto repair according to the plan. In the middle of the process, we find out from Mr. Nathan Gonzales that I would need to file for a special use permit. This has never been brought to my attention throughout this entire timely consuming process.

I am now filing for the special use permit in order for me to apply for a Certificate of Occupancy. Any changes that need to be made with this property will be according to the City Code and will be done in a professional manner. I would love your cooperation and attentiveness towards this situation.

Thank you,

Hussein Khazem

ISSUED FOR INTERIM REVIEW
THIS DOCUMENT IS NOT
TO BE USED FOR
REGULATORY APPROVAL,
PERMIT, OR
CONSTRUCTION

CONSULTANTS



Treepoint
Carwash

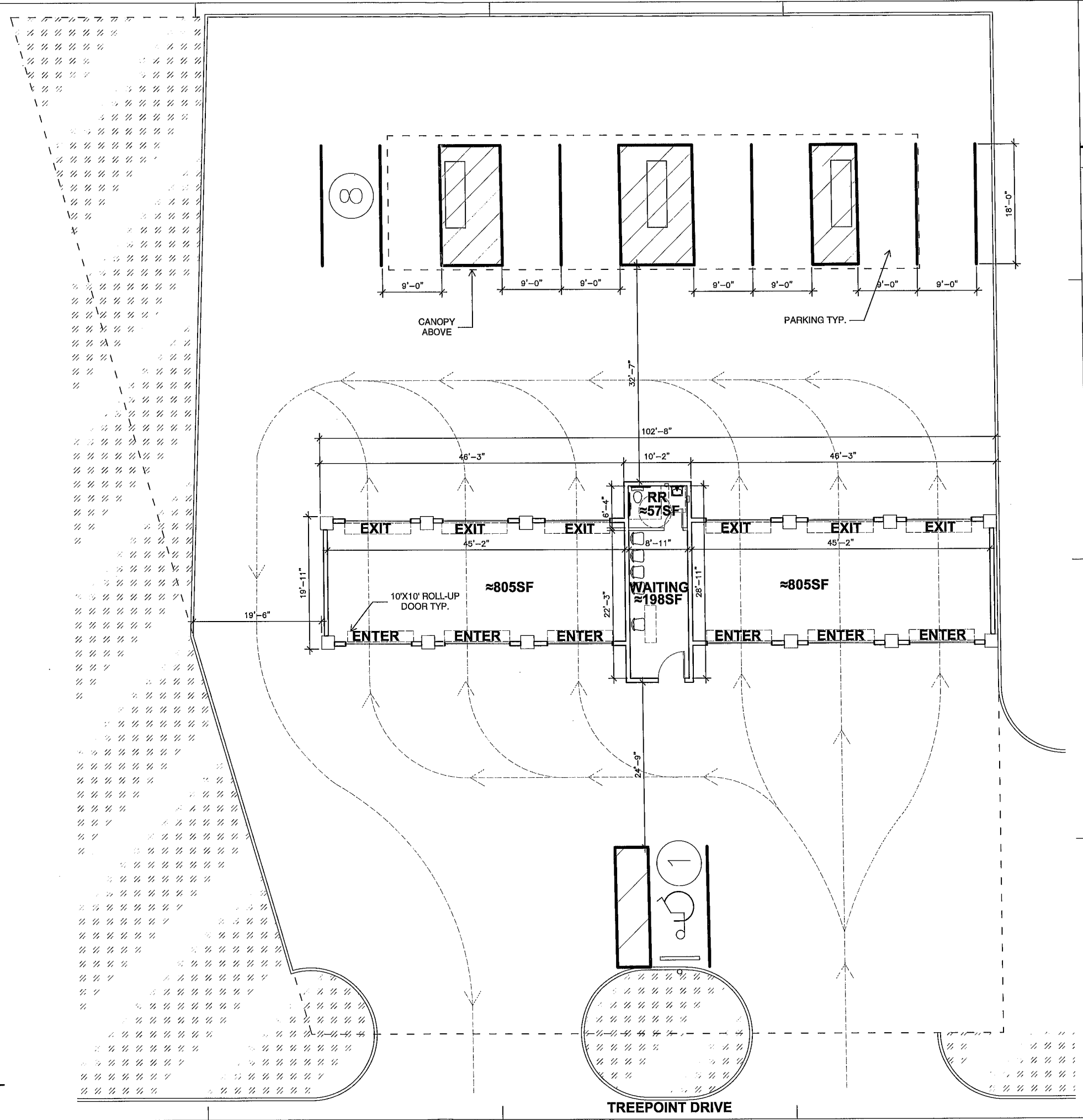
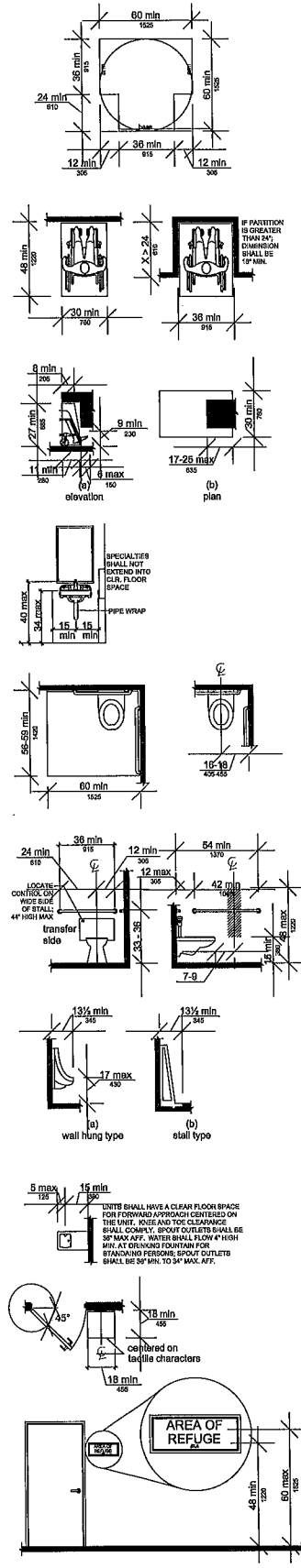
6317 Treepoint dr
Arlington, TX 76017

MARK	DATE	DESCRIPTION
ISSUE:	10/05/2022	
PROJECT NO:		
FILE:		
DRAWN BY:		
CHECKED BY:		

SHEET TITLE

PERSPECTIVE
VIEWS

A601



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CONSTRUCTION

CONSULTANTS

Treepoint
Carwash

6317 Treepoint dr
Arlington, TX 76017

MARK	DATE	DESCRIPTION
ISSUE:	10/05/2022	
PROJECT NO:		
FILE:		
DRAWN BY:		
CHECKED BY:		

SHEET TITLE
**ARCHITECTURAL
SITE PLAN**

AS101

**ARCHITECTURAL SITE PLAN
(FOR REFERENCE ONLY)**
SCALE: 3/8"=1'-0"
NORTH
1



MEETING DATE: FEBRUARY 14, 2023

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM IV.A.

SUBJECT

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.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS