

ORDINANCE NO. 2047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A SPECIFIC USE PERMIT (SUP) FOR THE 800 SQUARE-FOOT EXPANSION OF AN EXISTING 1,200 SQUARE-FOOT ACCESSORY STRUCTURE ON PROPERTY LEGALLY DESCRIBED AS LOT 1A, BLOCK 1, OF THE WILLIAM SLAUGHTER ADDITION, BEING 9.83-ACRES LOCATED APPROXIMATELY 200 FEET SOUTHEAST OF THE INTERSECTION OF RUFÉ SNOW DRIVE AND COBBLESTONE PARKS DRIVE, ZONED SINGLE-FAMILY RESIDENTIAL - 36,000 SQUARE-FOOT LOTS (SF-36), ADDRESSED AS 833 RUFÉ SNOW DRIVE, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Jeffrey and Loren Abate, Applicants/Owners, submitted an application to the City of Keller for an 800 square-foot expansion of their existing 1,200 square-foot accessory structure (SUP-21-0028); and

WHEREAS, all accessory buildings over 1,200 square-feet require a Special Use Permit (SUP); and

WHEREAS, the 800 square-foot expansion includes 300 square-feet enclosed and a 500 square-foot lean-to; and

WHEREAS, the Owners and their family have longhorns, horses, donkeys, and goats on the property and have need for such an agriculture structure; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission (Commission) was sent to real property owners within three-hundred feet (300') of the property herein described at least ten (10) days before such hearing; and

WHEREAS, the Commission held a public hearing September 28, 2021 and two people spoke in opposition; and

WHEREAS, the Commission recommended approval by a vote of 5-0 recognizing the use and conformity of the accessory structure with the surrounding neighborhood; and

WHEREAS, notice of a public hearing before the City Council was published on October 3, 2021 in the Fort Worth Star-Telegram, a newspaper of general circulation in Keller, at least fifteen (15) days before such hearing; and

WHEREAS, a public hearing to consider the request for a Specific Use Permit was held at the City Council on October 19, 2021; and

WHEREAS, one person spoke in support and two persons spoke in opposition of the item; and

WHEREAS, a petition of opposition warranted a super-majority at City Council; and

WHEREAS, the City Council tabled the item to October 2022 to confirm the Owner established trees to screen the barn from the neighbor's view; and

WHEREAS, the Owners provided Staff with images on November 1, 2021, showing five trees placed between the barn and the neighbor and therefore requested the SUP request be removed from the table and considered; and

WHEREAS, at the November 16, 2021 meeting, City Council moved to remove the SUP request from the table and considered it at their December 7, 2021 meeting; and

WHEREAS, as of November 22, 2021, the Owners have planted a total of 12 trees around the barn (eight between the barn and the neighbor); and

WHEREAS, the City Council considered the request for a Specific Use Permit on December 7, 2021; and

WHEREAS, the City Council is of the opinion that the Specific Use Permit herein effectuated furthers the purpose of zoning as set forth in the Unified Development Code and is in the best interest of the citizens of the City of Keller;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approval of a Specific Use Permit (SUP) for the 800 square-foot expansion of an existing 1200 square-foot agricultural accessory structure on property legally described as Lot 1A, Block 1, of the William Slaughter Addition, being 9.83-acres located approximately 200 feet southeast of the intersection of Rufe Snow Drive and Cobblestone Parks Drive, zoned Single-Family Residential - 36,000 Square-Foot Lots (SF-36), addressed as 833 Rufe Snow Drive, in the City of Keller, Tarrant County, Texas, and incorporated herein, as if fully set forth with the following conditions:

1. The Specific Use Permit request for a total of 2,000 square-feet for an accessory structure shall be allowed.

Section 3: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code and accompanying map thereto, shall be guilty of a misdemeanor and upon final conviction therefore shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 4: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 7 to 0 on this the 7th day of December, 2021.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

ATTEST:

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Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney