

**VARIANCE TO THE UNIFIED DEVELOPMENT CODE (UDC)  
APPLICATION**

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NOV 30 2018

City of Keller  
Community Development

**SECTION 1. APPLICANT/OWNER INFORMATION**  
**Please Print or Type**

Applicant/Developer: Richard Holmes  
Street Address: 7220 Shady Grove Road  
City: Keller State: TX Zip: 76248  
Telephone: 817.675.4108 Fax: N/A E-mail: richardaholmes1@verizon.net  
Applicant's Status: (Check One) Owner ☒ Tenant ☐ Prospective Buyer ☐

**Property Owner must sign the application or submit a notarized letter of authorization.**

Owner: Pizarro Properties  
Street Address: 9617 Delmonico Dr.  
City: Fort Worth State: TX Zip: 76244  
Telephone: 817.709.3400 Fax: N/A E-mail: tpizarro@verizon.net  
[Signature] T. Pizarro  
Signature of Applicant Printed Name of Owner  
Date: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 2. VARIANCE REQUEST(S) INFORMATION**

Address or Legal Description: LOTS; Parcel 8A - 7224 Shady Grove Rd.  
Lot(s): 8 Block(s): 8A Subdivision Name: Estes Farm

Justification for Requested Variance(s): maintain and obtain final approval of the single use access easement of 17.92 feet as established in 1993. To enlarge this easement to current code would severely deter development of adjacent parcel 8B, 7220 Shady Grove Road.

**A detailed letter of justification and/or exhibits shall accompany this application.**  
**One or more variances can be requested with this application.**

## ***ESTES FARM – PARCEL 8A – VARIANCE REQUEST***

In 1900, Bobby Joe Dunn bought Estes Farm, 56 acres.

In 1941, Mr. Dunn divided Estes Farm into nine parcels roughly 6 acres each as indicated on Exhibit # 1.

In 1990, Parcel 8 was divided into Parcel 8A at 4.75 acres and Parcel 8B at 1.6 acres. Parcel 8A was sold but there is no mention of an easement.

In 1993, Parcel 8A was sold again and there was an Easement listed by the Meets and Bounds survey found on the Warranty deed filed April 23, 1993 – Exhibit 2. It reads as follows:

***Thence East along said right-of-way line 17.92 feet to the point of beginning and containing 4.75 acres of land.***

This has been the single use, single lane access to this property for the past 25 years.

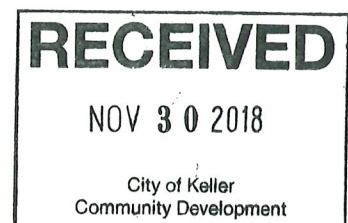
Parcel 8A was sold again in 1996, 2001, 2004 and 2014. The easement was not listed on any of these documents.

The easement has made its way onto a Tarrant Appraisal District map. Exhibit 3 is the entire map and Exhibit 4 is an enlarge section applicable to this request.

Currently Parcel 8B, known as 7220 Shady Grove, is 181 feet by 389 feet. Of this 181 foot width, 17.93 is the east side easement and 10 foot on the west side is an electrical easement. This leaves roughly 150 width to develop.

If the City requires any larger easement on the east side over the 17.92 feet, the property become very narrow and very long. Usable width will be below City lot standards and the property will not be developable. Currently 7220 Shady Grove has been an unihabital, condemn 1971 house, approximately 1100 sf and the current owner is living on the property in a house trailer.

This variance is requested so the property may be cleaned up and a home constructed suitable to the surrounding neighbors and City of Keller standards. As this easement has worked fine and been in use for 25 years, we request a variance to the width codes. In essence, declare this easement a single use driveway rather than a public easement.





# EXHIBIT #1

FORM 60 - THE T&E RECORD CO., FORT WORTH

NUMBERS	
CONTROL	LOTS
	1

MASTER CARD  
ASSESSOR'S ABSTRACT OF CITY PROPERTY  
TARRANT COUNTY

ESWES FARM TRACTS ADDITION CITY OF FORT WORTH

ABSTRACT NO. 139 ORIGINAL GRANTEE TR 5  
BLOCK NO. 3001  
PLAT RECORDED VOL. 388 PAGE 38  
DATE - 1949

TR	1	2	3	4	5	6	7	8	9
	5.220	6.279	6.279	6.279	6.279	6.279	6.407	6.407	6.407

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LA GF#930989 TLB/cc BED

Prepared by the State Bar of Texas for use by lawyers only. Reviewed  
1-1-76. Revised to include grantee's address (art. 6626, RCS) 1-1-82.

**WARRANTY DEED**  
(LONG FORM)

THE STATE OF TEXAS  
COUNTY OF TARRANT

That DUTY TRUST NO. 2

KNOW ALL MEN BY THESE PRESENTS

**EXHIBIT #2**

of the County of WISE and State of TEXAS for and in  
consideration of the sum of  
TEN AND NO/100-----(\$10.00)----- DOLLARS  
and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which  
is hereby acknowledged,

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H

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto  
HARVEY L. EARLES, Grantee herein

of the County of TARRANT and State of TEXAS, all of  
the following described real property in TARRANT County, Texas, to-wit:  
CONTINUED ON BACK SIDE.....

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A portion of TRACT 8, ESTES FARM TRACTS, out of the J.C. BRADFORD SURVEY, Tarrant County, Texas, according to Plat recorded in Volume 388-F, Page 381. Deed Records, Tarrant County, Texas, said portion being described as follows:

BEGINNING at the Northeast corner of said Tract 8;

THENCE South 00 degrees 11 minutes East along the East line of said Tract 8, 1390.82 feet to a 1/2 steel rod found for the Southeast corner of said Tract 8;

THENCE North 89 degrees 23 minutes 36 seconds West along the Southerly line of said Tract 8, 199.44 feet to a 1/2 inch steel rod found for corner;

THENCE North 00 degrees 11 minutes West along the West line of said Tract 8, 999.31 feet to a 1/2 steel rod found for corner;

THENCE North 88 degrees 29 minutes 11 seconds East, 181.55 feet to a 1/2 inch steel rod found for corner;

THENCE North 00 degrees 11 minutes West, 384.60 feet to a 1/2 inch steel rod found in the South right-of-way line of Shady Grove Road for corner;

THENCE East along said right-of-way line 17.92 feet to the point of beginning and containing 4.75 acres of land.

This conveyance is made subject to the mineral reservation as set out in instrument dated August 24, 1953, and recorded in Volume 2904, Page 281, Deed Records, Tarrant County, Texas.

This conveyance is given and accepted subject to any and all restrictions, reservations, covenants, conditions, rights of way, easements, municipal or other governmental zoning laws, regulations or ordinances, if any, affecting the herein described property.

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TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee . his heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee , his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 12th day of APRIL , A. D. 19 93.

DUTY TRUST NO. 2

Bobby Joe Duty  
Bobby Joe Duty, Trustee

Margie Duty  
Margie Duty, Trustee

Mailing address of each grantee:

Name: Harvey L. Earles  
Address: 1445 Cat Mountain Trail  
Keller, Texas 76248

Name:  
Address:

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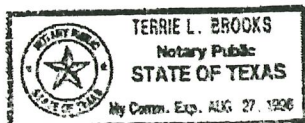
NOV 30 2018

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Community Development

(Acknowledgment)

STATE OF TEXAS }  
COUNTY OF TARRANT }

This instrument was acknowledged before me on the 13 day of APRIL , 19 93 .  
by Bobby Joe Duty and Margie Duty, the Sole Trustees of the DUTY TRUST NO. 2.



Terrie L. Brooks  
Notary Public, State of Texas  
Notary's name (printed):  
Notary's commission expires:



(Acknowledgment)

STATE OF TEXAS  
COUNTY OF }

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's name (printed):

Notary's commission expires: \_\_\_\_\_

(Acknowledgment)

STATE OF TEXAS  
COUNTY OF }

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's name (printed):

Notary's commission expires: \_\_\_\_\_

(Corporate Acknowledgment)

STATE OF TEXAS  
COUNTY OF }

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
by \_\_\_\_\_  
of \_\_\_\_\_  
a \_\_\_\_\_ corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's name (printed):

Notary's commission expires: \_\_\_\_\_

AFTER RECORDING RETURN TO:

Harvey L. Earles  
1445 Cat Mountain Trail  
Keller, Texas 76248

PREPARED IN THE LAW OFFICE OF:

DAVID R. CASEY, ATTORNEY  
1840 NORWOOD PLAZA, SUITE 102  
HURST, TEXAS 76054

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0110200  
D193071938  
HARVEY L EARLES  
1445 CAT MOUNTAIN TRL  
KELLER, TX 76248

-W A R N I N G-T H I S I S P A R T O F T H E O F F I C I A L R E C O R D--D O N O T D E S T R O Y

F I L E D -- T A R R A N T C O U N T Y T E X A S  
S U Z A N N E H E N D E R S O N -- C O U N T Y C L E R K  
O F F I C I A L R E C E I P T

T O : L A W Y E R S A M E R I C A N T I T L E C O

RECEIPT NO  
193175434

REGISTER  
DR91

PRINTED DATE TIME  
04/19/93 07:38

INSTRUMENT FEED  
1 D193071938 WD

FILED TIME  
930419 07:38 CG

T O T A L : D O C U M E N T S : 01 F E E S : 10.00

00003322  
B Y : A

ANY PROVISION WHICH RESTRICTS THE SALE RENTAL OR USE  
OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE  
IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

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**FDC**

**Frank Dale Construction, Ltd.**

**DAVID  
PRICE  
ADDN  
32995**

**GRO  
ESTATES  
7174H**

**EXHIBIT #4**

**A**

**CHERRY BLUSH  
CT**

**CHERRY  
GLOW CT**

**LEER SMITHFIELD RDS**

**CITY PARK**

**1A  
1.939 AC**

**BIKE TRAIL**

**BIKE TRAIL**

**SHADY GROVE RD**

**8B  
1.6125 @**

**WPT EPT**

**ESTES  
FARM  
TRACTS  
12910**

**8A  
4.75 @**

**CHERRY BARK**

**MOSSY CUP CT**

**SILVERLEAF  
38604B**

**SUSTRIK**

**SILVERLEAF DR**

**TR 5A1  
1.086 AC**

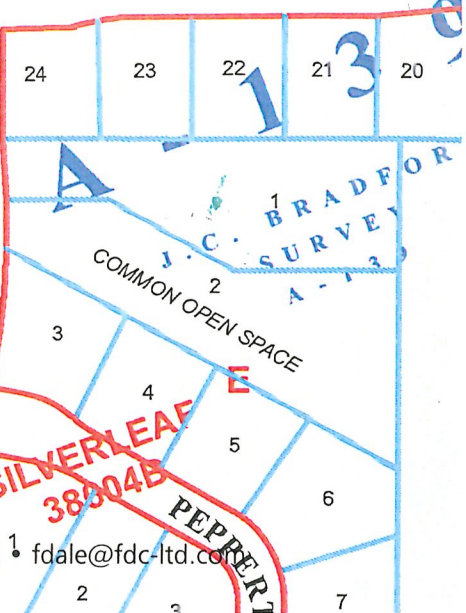
**TR 3A1  
.62 AC**

**SMITHFIELD RD S**

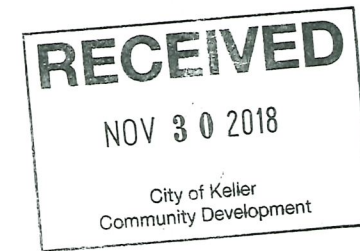
**SILVERLEAF  
38604B**

**PEPPER**

**ROBERT  
"IT OFF"  
COUNTRY  
HOME  
ACRES**



**Ownership Chart**  
**Estes Farms Tract 8 - J.C. Bradford Survey**  
**Plat Book 388-F, page 381**  
 7220 Shady Grove Road (& 7224)  
 Keller, TX 76248



Estes Farms Tract 8	Year	Owner 1	Owner 2	Deed Doc #	Book	Page	Comment
Full Tract 8	Aug 1953	R. P. Estes	M. H. Dean Jr.	D155056258	2900	281	
Easement	Sept 1966	M. H. Dean	Keller Rural Water Supply	D166068620	4290	453	
Full Tract 8	Sept 1971	M. H. Dean Jr.	Carlton Pittard	D171106611	5115	462	
Full Tract 8	Apr 1972	Carlton Pittard	Bobby Duty	D172048283	5233	727	
Full Tract 8	Apr 1990	Bobby Duty	Duty Trust #2	D190060172	9895	1884	
Easement	Nov 1987	Bobby Duty	Tri-County Electric Coop	D188354194	9300	893	Easement for Power Lines – Recorded Jun 1988
7220 Shady Grove Partial Tract 8 (1.6125 Acres)	Sept 1991	Duty Trust #2	Roy Eaves	D196078992	12342	500	See Note in next row...
7220 Shady Grove Partial Tract 8 (1.6125 Acres)	Sept 1991	Bobby Duty	Roy Eaves	D191163739	10391	1483	Sold to Roy Eaves without Trust involvement in error – formalized with Trust to correct title and Deed Transfer to sell to Brad Holmes
7224 Shady Grove Partial Tract 8 (4.75 Acres)	April 1993	Duty Trust #2	Harvey Earles	D193071938	11020	318	This is the first sale of the back tract – records for this back section of Tract 8 are included separately below
7220 Shady Grove Partial Tract 8 (1.6125 Acres)	April 1996	Roy Eaves	Brad Holmes	D196078993	12342	503 & 508	
7220 Shady Grove Partial Tract 8 (1.6125 Acres)	Oct 2002	Brad Holmes	Richard Holmes	D202301757	16077	237	



Estes Farms Tract 8	Year	Owner 1	Owner 2	Deed Doc #	Book	Page	Comment
7224 Shady Grove Partial Tract 8 (4.75 Acres)	April 1993	Duty Trust #2	Harvey Earles	D193071938	11020	318	This is the first sale of the back tract 4.75 Acres
7224 Shady Grove Partial Tract 8 (4.75 Acres)	Sept 1994	Sherry Earles	Harvey Earles	D195183562	12128	377	Transferred due to marriage dissolution. Document Date Sept 1994, Recorded date October 1995 when sold to Travis
7224 Shady Grove Partial Tract 8 (4.75 Acres)	Oct 1995	Harvey Earles	Valerie Travis	D195183563	12128	381	
7224 Shady Grove Partial Tract 8 (4.75 Acres)	Feb 2005	Valerie Travis	William Thornton & Charles White	D205051426			
7224 Shady Grove Partial Tract 8 (4.75 Acres)	March 2006	William Thornton	Charles White	D206095589			William Thornton held Vendor Lein for financing for Loan to Charles White.
7224 Shady Grove Partial Tract 8 (4.75 Acres)	Aug 2011	Charles White	William Thornton	D211201446			Property transferred back to William Thornton for non-payment of Lien - General Warranty Deed in Lieu of Foreclosure
7224 Shady Grove Partial Tract 8 (4.75 Acres)	Apr 2014	William Thornton	Pizarro Properties, LLC	D214093406			





# EXHIBIT #3



## Legend

Deeds\_Boundary  
RECORDBOUNDARYTYPE

- Parcel Line
- Parcel Split Line
- Private Road
- ROW
- Unknown
- HistoricLot
- School
- City
- Abstracts
- County
- Water\_District

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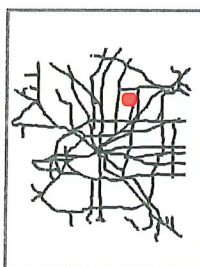
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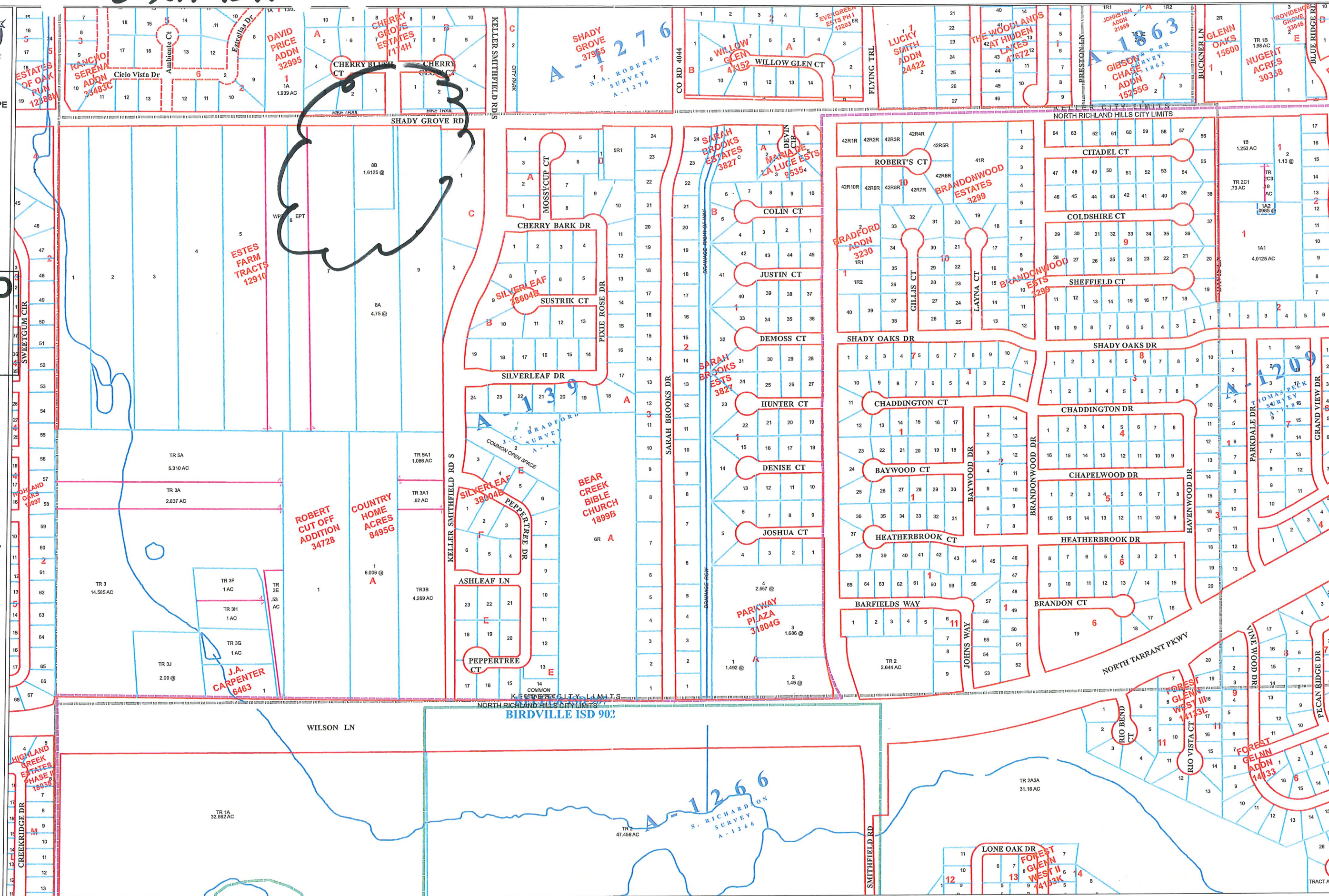


Map created on:  
4/17/2018

1 inch = 400 feet



\* map location



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2084-448