

To: Planning and Zoning Commission, City of Keller City Council

Purpose of Petition: The following signatures represent opposition to the following request for a Specific Use Permit (SUP)

Case NO. SUP-20-0019

"The Planning and Zoning Commission of the City of Keller will hold a public hearing at 7:00PM on Tuesday, October 27, 2020 to be conducted virtually, to consider a request for a Specific Use Permit (SUP) for an approximately 2,000 square foot accessory building to be utilized as a barn on an approximately 10.02 – acre property located on the east side Rufe Snow Drive, approximately 350 feet southeast of the intersection of Clearwater Lane and Rufe Snow Drive, being Block 1, Lot 1A William Slaughter Addition, zoned Single Family 36,000 square foot lots (SF-36), located at 833 Rufe Snow, Series 833, A Series of Steadfast Properties LLC, owner, Jeff Abate, applicant. (SUP-20-0019)."

Date	Printed Name	Street Address	City, State, Zip	Signature
10/25/2020	Ty Whited	788 Windemere Way	Keller, TX 76248	Ty Whited
10/25/20	Catherine Whited	788 Windemere Way	Keller, TX 76248	Catherine Whited
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BY: MC

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Date	Printed Name	Street Address	City, State, Zip	Signature
10/18/20	Tom Horn	796 Windemere	Keller, TX 76248	[Signature]
10/18/20	KAREN HORN	796 WINDEMERE WAY	Keller, TX 76248	[Signature]
10/18/20	DONALD McMOY	758 RICHMOND LN	Keller, TX 76248	[Signature]
10/18/20	CAROLYN McMOY	752 RICHMOND LN	Keller, TX 76248	[Signature]
10/18/20	JoAnne B. Sheppard	790 Windemere Way	Keller, TX 76248	[Signature]
10/18/20	Ronald K. Sheppard	790 Windemere Way	Keller, TX 76248	[Signature]
10/18/20	Gary Clayton	784 Windemere Way	Keller, TX 76248	[Signature]
10/18/20	SUSAN CLAYTON	784 Windemere Way	Keller, TX 76248	[Signature]
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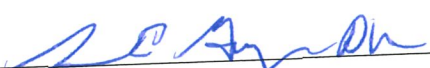

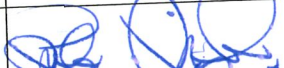

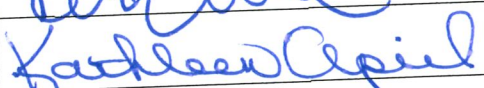
Date	Printed Name	Street Address	City, State, Zip	Signature
10/18/20	Diane Graff	740 Richmond Lane	Keller, TX 76248	Diane Graff
10/18/20	Valkiria Lombardi Lopez	801 Olympic Drive	Keller, TX 76248	Valkiria Lombardi Lopez
10/18/20	Edson Ribeiro Lopez	801 Olympic Drive	Keller, TX 76248	Edson Ribeiro Lopez
10/18/20	Giulio Forstall	811 Olympic Dr.	Keller, TX 76248	Giulio Forstall
10/19/20	Dorris Forstall	811 Olympic Dr	Keller, TX 76248	Dorris F. Forstall
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Date	Printed Name	Street Address	City, State, Zip	Signature
10/23/20	BRAD HENDERSON	728 RICHMOND AVE	Keller, TX 76248	
10/23/20	MELANIE HENDERSON	728 RICHMOND AVE	Keller, TX 76248	
10/23/20	Susan EGwyn	1017 Simmons Dr	Keller, TX 76248	
10/24/20	Ken Nicholson	921 Simmons Dr	Keller, TX 76248	
10/24/20	Linda Nicholson	921 Simmons Dr.	Keller, TX 76248	
10/25/20	KENNETH APRIL	926 Cobblestone Pk Dr	Keller, TX 76248	
10/25/20	KATHLEEN APRIL	926 Cobblestone Pk Dr	Keller, TX 76248	
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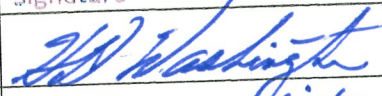
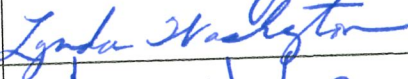



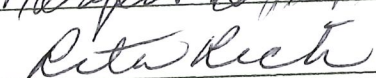
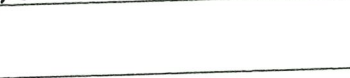
Date	Printed Name	Street Address	City, State, Zip	Signature
10-22-2020	Robert B. Jones	736 Richmond Ln.	Keller, TX 76248	<i>Robert B. Jones</i>
10-22-2020	Frankie F. Jones	736 Richmond Ln.	Keller, TX 76248	<i>Frankie F. Jones</i>
10-26-2020	Ronald Traxler	727 Richmond LN	Keller, TX 76248	<i>Ronald Traxler</i>
10-26-2020	Shirley Traxler	727 Richmond LN	Keller, TX 76248	<i>Shirley Traxler</i>
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Date	Printed Name	Street Address	City, State, Zip	Signature
10/20/2020	Harold Dennis Washington	786 Windemere Way	Keller, TX 76248	
10/20/2020	Lynnda Washington	186 Windemere Way	Keller, TX 76248	
10/21/20	Arny Hafele	744 Richmond Ln.	Keller, TX 76248	
10/21/20	JOHN HAFELE	744 RICHMOND LN.	Keller, TX 76248	
10/22/20	Kenny Smith	792 Windemere Way	Keller, TX 76248	
10/22/20	MARGARET S. SMITH	792 Windemere Way	Keller, TX 76248	
10/22/20	RITA RICH	794 Windemere Way	Keller, TX 76248	
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BY: MC.....

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Re: SUP-20-0019

BY: *Mc*
.....

To: Planning and Zoning Commission, City Council – City of Keller

I am writing about my opposition to SUP-20-0019. My property is adjacent to 833 Rufe Snow Dr and I am most impacted by this structure as it now sits directly behind my home.

I believe the Commission's decision that will be made on this 2000 sq ft structure that was built without any regard to the city's permitting process/city ordinances could set a precedent in our city and send a message to our citizens that permitting is easier if done "after the fact".

It is hard to fathom why this property owner would believe it is acceptable to undergo major home renovations for 2 years and build a 2000 sq ft structure without any city permitting – and that this would be allowed. I find it even more difficult to understand how someone such as Jeff Abate (stated property owner), who is a licensed realtor and owner of Abate Homes LLC would not be aware of the city permitting requirements.

In recent years, there have been 2 neighboring properties who applied for permits for similar accessory building structures – and Jeff Abate received notifications. (See attached)

- On May 26, 2018, Jeff Abate signed a letter of support for an SUP application on 917 Simmons Drive.
- On September 29, 2017, Trent and Mary Petty on 1021 Simmons Drive sent letters to all neighbors about their application for an SUP.

So wouldn't you expect Mr. Abate to clearly understand the need to get a permit before building this barn?

When I look at the factors that the Planning and Zoning should consider, there is one in particular I want to highlight:

- *"Any negative impact on the surrounding area has been mitigated"*

The day after the building went up (building erected on August 24th), I called Jeff Abate. I was very upset by this structure as it has an impact on my home value and the view from my yard. I am now looking at a 17+’ high metal structure across most of my backyard. I was very surprised that Jeff never made any attempt to contact me or speak with me over the fence (as we see each other often when I am in my backyard) prior to beginning any work. I was also shocked that he had done this without a city permit which would have given me an opportunity to express concern before the structure was erected.

There were a few items about our discussion that day I wanted to share.

- 1) Jeff stated to me that he had a survey done which told him this was the best place to locate the building. I later learned that no survey was completed before he built this.

- 2) Jeff also said that he needed to put it in this spot because the water and electricity from the former barn (which was removed in the early 1990's) was in this location. He later had new electrical and water lines run to this building.
- 3) When I looked over my fence, I saw a "ditch" had been dug between my property and the building. Jeff stated that he noticed water running between our properties after it had rained - and he was trying to redirect it from coming towards my property. We later met and drainage was again discussed. Jeff stated he was looking at putting in a type of drainage path with rocks and pipes (French drain?). I suggested such a solution was not going to be sufficient for a drainage issue. A few weeks ago, I saw that Jeff had filled in the ditch. It is my understanding that no drainage study was done before this building was constructed.
- 4) During my initial discussion with Jeff, I asked if he would be willing to put up trees to provide some type of screening. Over the next few weeks (August 26th - Sept 11th) I texted and emailed various tree options. I contacted 2 local tree farms and provided Jeff with their recommendations.

I finally reached out to Jeff and asked if we could meet. I had been called by several neighbors who had been approached by Jeff and they were asked to sign a petition in support of his building. Some of the neighbors who called me, were given misinformation about the building. In fact, one neighbor captured the brief encounter on a Ring video which I sent to the city. In the video, Mr Abate was filmed saying "he wanted to build a barr" - but the neighbor abruptly stopped the discussion and said he knew that the barn had already been built.

When I met with Jeff Abate at my home on September 12th, I provided copies of all the tree farm contacts and their recommendations. I suggested he reach out to them and obtain wholesale pricing as I was not able to get that since I don't own a business. I told Jeff I wanted to work with him on a resolution. Jeff said he would think about it and let me know.

Since then, I've heard absolutely nothing from Mr. Abate.

In the meantime, I have had neighbors reach out to me about this situation. I now have a petition with 18 homeowners within the 200' boundary expressing opposition to this SUP. (Copies provided to the city)

When I look at the options before P&Z, I would ask that the Commission recommend to deny Mr. Abate's request. This would send a clear message to citizens who may consider taking such a path in the future as there should be a penalty for citizens who knowingly take such a cavalier approach to ignoring the city ordinances.

I hope to have an opportunity to speak at the upcoming meetings and answer any questions you may have about the information I provided.



Diane Graff

740 Richmond Lane

Keller, TX

817-366-4011

May 26, 2018

We the undersigned own properties neighboring 917 Simmons Dr. and understand the following items are proposed for a Special Use Permit (SUP) application from current owners Troy and Megan Schank:

1. Outbuilding / Garage area extension from 1,189 ft² to 1,769 ft²
2. Stone Wainscot (~30% Masonry) and Steel Siding Exterior Combination (~60% Steel)

We have no objection to the proposed changes listed.

- 1.
2. R.V. Shope ~~1980~~
3. Scott Starker ~~1980~~
4. Patsy Borge-Smith (Patsy Borge-Smith)
5. John Kinde Lane Hill
6. Arlene McDaniel Arthur McDaniel
7. Dan Bratrnick Dan & L. Bratrnick
8. Glen Holman Glen Holman
9. Virginia Williams
10. Jeff Abate Jeff Abate

Rule Snow Dr

833 WOLF SNOW DR

Rule Snow Dr

909

913

917 Simmons Dr.

1 921

2 1001

Simmons Dr

Simmons Dr

Simmons Dr

5

Rule S

908

912

916

920

1000

TRENT & MARY PETTY

September 29, 2017

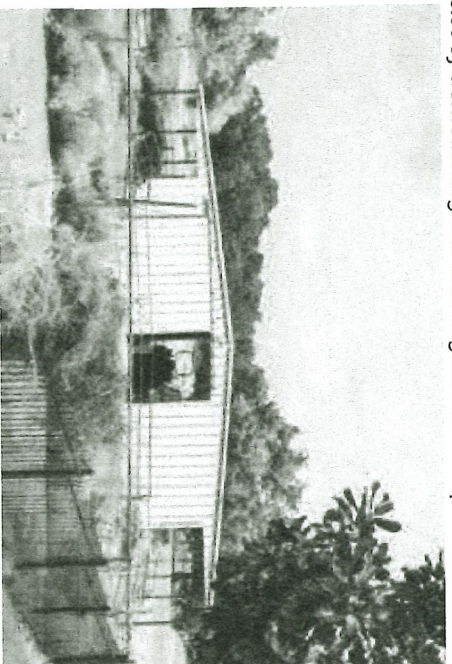
Dear Neighbor,

We are writing to you today to notify you that you will soon be receiving in the mail a notice from the City of Keller telling you that we have applied for a Specific Use Permit (SUP) at 1021 Simmons Drive to tear down an old metal barn and rebuild a new barn on our property that includes living quarters. Our plan is to build the new barn, temporarily move into the living space ourselves and then rebuild/remodel our home at 1021 Simmons Drive. After we move back into our house we will use the guest quarters for family on special occasions and holidays. We will NOT be leasing our barn to renters! Our zoning allows for the guest quarters but it requires the granting of the SUP, notification of property owners within 300' of our property and a public hearing. Our building materials and design all reflect the most recent code requirements in terms of masonry, so this will be a significant upgrade from the old metal barn.

Here is the letter application we have sent to the City for your information:

We have lived in our home at 1021 Simmons Drive for almost 20 years. Our property is zoned SF 36 and our lot is 3.7 acres. We are prosing demolishing an existing barn and the existing residence and replacing them both with more valuable and functional space. Our project has been over a year in the planning stages and we are finally ready to begin construction subject to approval of our SUP.

Our project will consist of demolishing our existing metal barn pictured below.



We will be replacing the existing barn with a new barn which will include living quarters, which prompts the need for an SUP, but which is allowed in the Zoning Ordinance for lots of our size.

The reason the barn contains living quarters is two-fold. First, and foremost, our family will move into the barn while our home is being demolished and reconstructed. We have animals that need daily care and thus want to avoid having to rent a house while the new home is under construction.

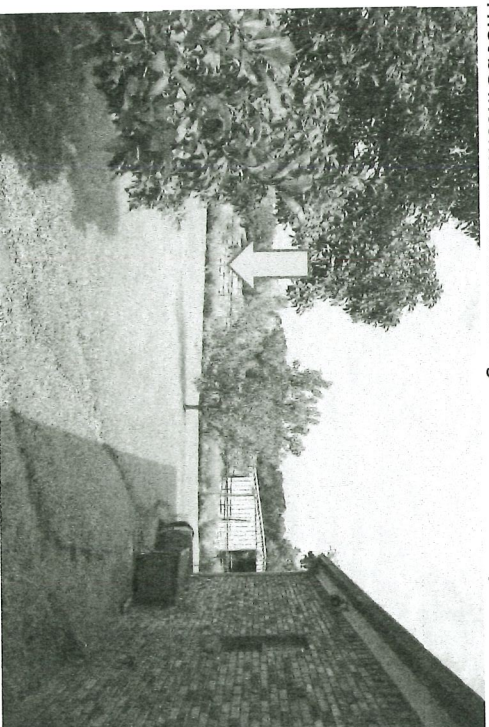
Second, the living space in the barn will provide additional accommodations for family visits and holidays. We have three grown children and a grandchild in addition to our three boys at home,

so we have lots of need for space. In addition, we have aging parents with significant health problems and so we don't rule out the possibility of needing to one day make space available for them. We are acutely aware of the City's single-family dwelling ordinance and will not violate that ordinance under any condition.

A second condition we are asking be approved with the SUP is that the barn be allowed to have a front facing entry, just as our existing barn. The front entry will only be on the barn and not the new home. The new home will have a side entry garage. The barn will be almost completely invisible from the street unless you are literally looking from straight on. The new plan includes saving as much shrubbery as possible and a large tree that will block most of the barn view from the street, even when you are looking straight into the property. The picture below shows the current view from the street. The red X is below at street view is where the second picture is taken from.



In order to give you an idea of how far the barn will be setback from the front, please refer to the site plan in your packet and the picture below in which the yellow arrow gives some perspective as to where the new barn will be built relative to the front. The brick wall to the right is the existing home, and this picture is taken from a point which is over 120' from the street. The total distance from barn entry to street is over 190'. The barn will be in keeping with the rural character of these large lots and will not be inconsistent with existing uses and ancillary structures on Simmons Drive.



Finally, the barn we plan to build is a significant upgrade both in terms of aesthetics and design from the existing barn. Metal barns are a common occurrence on Simmons Drive. We have chosen to go with a masonry barn that not only matches the finishes that will be used on the new home, but will be a significant upgrade from the traditional allowed metal barn.

The investment we plan to make on the new barn and home is significant. We have lived on Simmons Drive almost 20 years and it is home. We have made significant upgrades to our property including the addition of a major pond which not only added beauty and functionality to our property but also alleviated significant drainage problems in the Keys subdivision. It was a difficult decision to commit to the investment required to stay on this property. No doubt it would have been easier and cheaper to sell and move. But this property is home for us and our children and if P&Z and Council agree, we plan to be here for a many, many more years.

Sincerely,



Trent and Mary Petty
1021 Simmons Drive, Keller, TX 76248

So, Neighbor, if you have any concerns about this project or think that you might voice objection for any reason, will you please do us the favor of a phone call to discuss it with you? As a former member of the Keller P&Z, I can tell you that it only takes one negative comment to kill a project, and this is very important to our family.

My personal cell phone number is (817) 992-7882 and I would be happy to visit with you about ANY concerns you have that may prompt you to oppose our application. On the other hand, if you are so inclined, any letters or calls of support would be welcomed and greatly appreciated!

Sincerely,



To: Planning and Zoning

Date: October 27, 2020

From: Diane Graff 740 Richmond Lane, Keller

Re SUP-20-0019

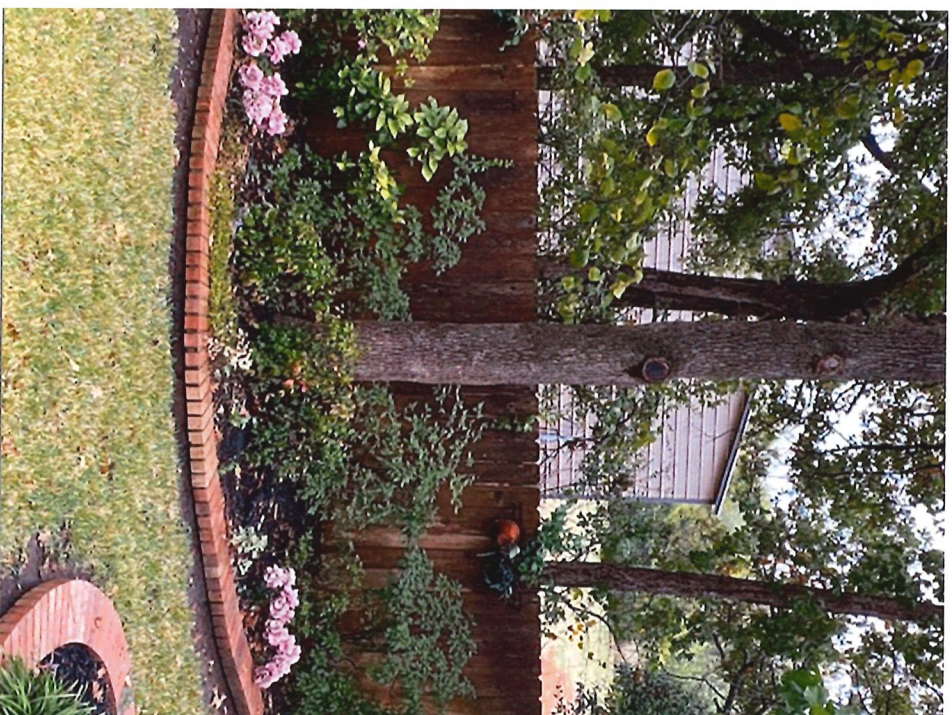
Mr. Abate references that his current barn was put in the same location as the previous barn which was removed in the early 1990's. I do not believe this is accurate. Below are a few before/after photos to provide some idea of the difference in both the distance and location. The former foundation was at an angle away from my fence line on the west edge.

Before



Current





Ty B. Whited
Catherine B. Whited
788 Windemere Way
Keller, TX 76248

October 21, 2020

Via: USPS Regular Mail

Via Email: communitydevelopment@cityofkeller.com

City of Keller
Community Development
P.O. Box 770
Keller, TX 76244

Re: Notice of Public Hearing, Case No. SUP-20-0019

Dear Mr. Cyr,

This letter is our response to the notice dated October 15, 2020 sent to adjoining property owners regarding the above referenced case. We oppose the requested special use permit and urge the Planning and Zoning Commission to recommend that the application be denied.

We are the current owners of 788 Windemere Way, a half-acre property directly east of the property the subject of the requested special use permit. As the notice was sent to the prior owner, we are enclosing TAD's updated information showing that we are the current owners.

We respectfully urge the Commission to consider the impact on the numerous homes surrounding the subject property and recommend denial of the special use permit.



Catherine B. Whited



Ty B. Whited



Owner Information

Current Owner:

WHITED CATHERINE
WHITED TY
788 WINDEMEERE WAY
KELLER, TX 76248

Deed Date: 08-26-2020

Instrument: D220227764

Previous Owners:

Name	Date	Instrument	Deed Vol	Deed Page
FOSTER SHARON	10-26-2011	142-11-136459		
FOSTER SHARON;FOSTER WARREN D EST	11-08-1991	00104410001162	0010441	0001162
NOBILETTI GEORGE D;NOBILETTI TAMI	08-05-1989	00096980000042	0009698	0000042
DAVIS & ASSO REAL ESTATE INC	04-18-1989	00095740000328	0009574	0000328
KEYS OF KELLER INC THE	01-01-1985	00000000000000	0000000	0000000



Values

This information is intended for reference only and is subject to change. It may not accurately reflect the complete status of the account as actually carried in TAD's database. Tarrant County Tax Office Account Information

Year	Improvement Market	Land Market	Total Market	Total Appraised +
2020	\$352,820	\$90,000	\$442,820	\$442,820
2019	\$380,200	\$90,000	\$470,200	\$470,200
2018	\$360,859	\$90,000	\$450,859	\$439,926
2017	\$309,933	\$90,000	\$399,933	\$399,933
2016	\$304,568	\$90,000	\$394,568	\$394,568
2015	\$272,400	\$45,000	\$317,400	\$317,400

A zero value indicates that the property record has not yet been completed for the indicated tax year
+ Appraised value may be less than market value due to state-mandated limitations on value increases



Exemptions

- HOMESTEAD GENERAL 11.13(b)

* Per Texas Property Tax Code Section 25.027, this website does not include exemption information indicating that a property owner is 65 years of age or older.