

City of Keller

Community Development

We wanted to officially oppose the special use permit (Case No. Sup-21-0028) for the 800 square-foot expansion and a 500 square-foot lean-to addition of an existing 1200 square-foot accessory structure on property legally described as Lot 1A, Block 1 of the William Slaughter Addition, being a 9.83 acres located approximately 200 feet southwest of the intersection of Rufe Snow Drive and Cobblestone Parks Drive, zone single family Residential – 36,000 Square-Foot lots(SF-36). Addressed as 833 Rufe Snow Drive. Jeffrey and Loren Abate, Applicants/Owners. (SUP-21-0028).

Reasons for the objection:

1. Has not described where on the property the structures will be placed
2. To of our knowledge, the existing 1200 square-foot accessory structure on property was never legally permitted
3. We were given very short notice of this This Public Hearing, need to slow down this process

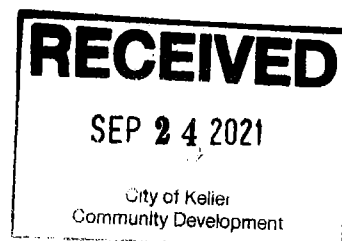
Sincerely,

Kenny D. Smith
Margaret J. Smith

Kenny D. Smith and Margaret J. Smith

792 Windemere Way

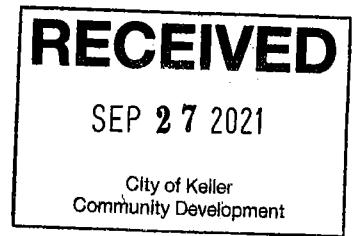
Keller, TX 76248



September 27, 2021

To City of Keller Planning and Zoning, And City Council.

I am opposing the Specific Use Permit Case #SUP-21-0028.



The notice mailed September 17, 2021 seems to request approval for an additional 1300 square feet. The document states “consider a request for a SUP for the 800 square foot expansion and a 500 square foot lean-to addition of an existing 1200 square foot accessory building structure on the property”. I met with city staff, Patricia Sinel, who stated that was incorrect and that the Abate’s were requesting an additional 800 sq feet – of which 300 sq ft was the lean-to. The diagrams that were reviewed with me did not have complete dimensions so I was sent the attached hand drawn diagram. Exhibit A. It is unclear what is really being requested. It is also unclear if the height or width of the existing structure will be increased or moved. I would expect the notice from the city to be clear and concise on what is being added – is it 800 square feet or 1300 square feet (800+500)?

From my discussion with Patricia Sinel, she stated that the Abate’s are asking to return to the original building that had been initially illegally installed.

Is a new notice required if the request statement is inaccurate?

The notice also states that the property is owned by Jeffrey and Loren Abate. That is incorrect. The official ownership is listed as Series 833, A Series of Steadfast Properties, LLC. While Jeffrey and Loren may be the sole owners of that LLC – they are not the legally listed “owners” of the property.

Regardless of the notice inconsistencies, I am in opposition due to the overall size of the request.

Based on the last year’s request and now this SUP, it states the building will be used for equipment, animal feed, etc. We learned in the last P&Z meeting, there was one tractor with an attachment and one riding lawn mower. Even with the existing building in place, the tractor is often parked either in the field to the south of Cobblestone Drive or parked in front of the current metal building. Why isn’t it parked inside? It is my understanding that there is rarely any activity going in/out of the building. I would think if this is being used for feed, etc, there would be at least daily activity.

During the last P&Z review, there were several questions about why this building was made to be so tall at almost 16’ since there is no loft inside. We never did get clarification. While the height is in line with the city specifications, it *appears* to be much larger.

I also suggest the city further investigate how this building is currently being used.

Jeff Abate owns a medical supply company and has several warehouses. Could this request be to provide additional warehouse space for his business? I asked if the city had ever done an inspection inside after it was modified in December. It appears that the permit is still open.

In researching Accessory buildings in Keller, I understand that there have been a number of SUPs for Accessory Buildings over the past few years. In reviewing the Accessory Building requests since 2018

(that were not Temporary), it is very evident those requests are very different from this SUP. I could not find one where a number of neighbors were in opposition. I also found these were primarily for actual livestock barns, garage extensions, actual workshops and even living quarters for a mother-in-law. It seems odd that 1 tractor, 1 riding lawnmower and feed would require a building almost equal to a 7 car garage!

If the city is inclined to approve this request, I would ask that the city revisit the fines suggested in the past, and assess fines for the period that the building was non-compliant. Perhaps a compromise would be if the Abate's would simply plant 5-6 large (12-14') trees to cover the building. (Retail prices were quoted but wholesale was ~50% cheaper.) This was initially requested in September 2020!

I do think it is extremely important for Planning and Zoning, and City Council to be aware of the actions by the Abates since October, 2020.

As everyone is aware, Jeff and Loren Abate built a 2000 sq ft metal building at 833 Rufe Snow Drive last year without any permit. Even though Jeff Abate is a licensed realtor, he advised he was unaware he needed a permit. You may recall that the owner, Jeff Abate approached neighbors asking for their support "to build a 300 sq ft barn". During the meeting held on 10/27/20, P & Z unanimously denied the request and strongly suggested that City Council consider a fine. By 10/29/20, the Abate's pulled their SUP request and advised the city that the building would be resized to comply with the 1200 sq ft accessory building limit.

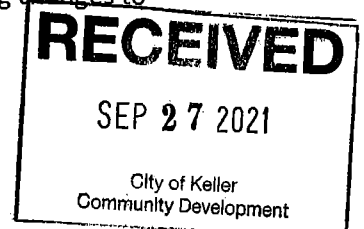
By 12/10/20, no action had been taken to correct the building size. When the Abate's advised they were going to resize the building, they could have easily reduced the square footage on the north side of the building – pushing it further away from the northern neighbors to make it less visible. He did not do that and instead reduced the footage on the south side of the building.

I contacted the city on several occasions for a status on the reduction. I was told that the Abate's were waiting for the contractor to come and fix the building. Well, on 12/12/20 work began to resize the building. The city issued a permit to CAE Industries. This company has an address of 837 Rufe Snow Dr, Keller. That property is owned by Jeff Abate.

So the city waited almost 45 days for the building to be resized, and Jeff Abate did the work himself.

What happens after this is disturbing.

On 12/18/20, I woke up to the sounds of metal poles and saws – only to see an 8' whitewood fence being constructed behind my home. ONLY MY HOME. I contact the city and Randall Payne advised that they issued a permit for an 8' fence to be built ONLY BEHIND MY HOME! The quality of construction was horrific and made my backyard view worse than it was with the accessory building. Now I had an ugly fence *and* I still had the 16' building. The city continually encourages anyone making changes to



communicate with neighbors, but that didn't happen here. If I had been called by Jeff Abate, I would have worked with Jeff to build a fence to satisfy both of us. See Exhibit B for pictures.

During the building of the fence, much of my landscape wiring which had run along the back side of my fence was cut and thrown into my yard. This was intentional and unnecessary. See Exhibit C.

Once his fence was completed, it was unsightly. At this point he extended the fence to other neighbors – 736 Richmond Lane. Both of us had signed the petition in opposition. Both of us paid thousands of dollars to install a cedar fence over the Abate's whitewood fence since our HOA has strict fencing requirements. I could not just keep his fence and remove mine as his had gaps and my dogs could escape.

Before installation could begin, my fence company informed me that Jeff Abate had bolted his fence to my cross bars – virtually making my tear down impossible. I contacted the city since this is a code violation. Within a few weeks, Jeff removed those braces. It was never clear why the fence was installed that way to begin with.

But the retaliation seemed to continue.

On 1/22/21, I was notified that Jeff Abate filed a complaint with the city that my corner garage 75watt spotlight was shining into his bedroom some 320' away. Keep in mind, these spotlights had been on my garage when I purchased the home 21 years ago. The Abates had not even moved into their home as it was still under construction. Additionally, these are motion detection lights that are on for 2.5 minutes to light up my yard due to having skunks, fox, coyotes, possums – in my yard over the years. Regardless, I had Chase Castleberry and Johnny Reyes from the city come out and we slightly adjusted the lights.

All of these actions by the Abate's seem to be very retaliatory in nature since my petition in opposition was made during the October, 2020 P&Z review.

I want to be very clear that I had attempted to work with Jeff Abate even before this went to P&Z in 2020. (See Exhibit D for copies of my text messages and email)

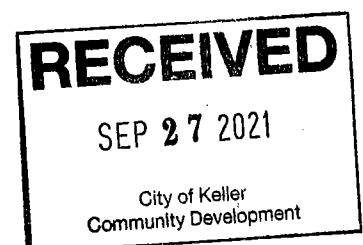
To this day, Mr. Abate has made no attempts to work with the impacted neighbors – nor did he even communicate his plan to revisit the building expansion with this SUP.

I would ask that P&Z deny this expansion SUP request.

Respectfully,



Diane Graff, 740 Richmond Lane



09/27/2021

To City of Keller Planning and Zoning and City Council,

I am opposing the SUP case -21-0028

My name is Susan Gwynn and I live at 1017 Simmons DR. I moved here in 1988 and have been familiar with the property at 833 rufe snow since that time. I worked on horses for Kathleen Blue and Cheryl Gosch.

Last summer Mr Abate built a metal building on his property without getting proper permits. When the city finally reacted to the building, he went around the neighborhood to ask people to sign a petition. He asked me to sign a petition supporting his plan to put up a building, even though the building was already completed. This eventually went to Pand Z and they denied the permit due to the objections of the neighbors. He faced fines for these actions, none of which were enforced. He later made the building smaller to avoid the need for a permit. Don't forget he also was remodeling his house without permits

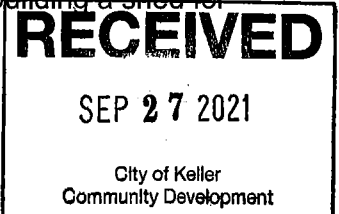
He then called the city on his neighbors to complain about security lights being too bright, even though his house is hundreds of feet from his neighbors fences or security lights. He has been filmed dumping trash behind one house in cobblestone. He put up a 8 foot wooden fence behind several peoples houses. (and you can still see the large building)

In October last year the security light on his property that is near my NW corner went out. In the past I have called or texted him and he had Tri-county replace the bulb. This time I received no response after repeated calls. I called Tri-county, they called back and told me he refused to allow them on his property to change the bulb

Before the ice storm this Feb, my dog and I were almost attacked by a wild animal on my property near my pond before dawn. Normally the street light would have enabled us to see the animal and discouraged it being so bold. I then called Tri-county to install a street light on my property. Mr Abate then complained about the light being too bright. This light was replacing the light that was on his property since he bought it and at least the 34 years since I moved to Keller.

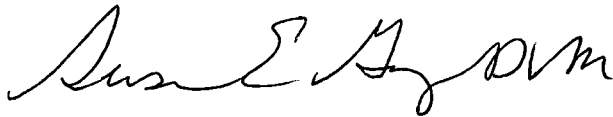
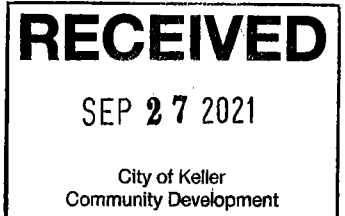
Mr Abate has made a mockery of city planning and rules. Once he was caught and made to comply, he started a systematic harassment and intimidation of his neighbors. People are reluctant to speak up or sign petitions now because of the previous harassment. He has used the rules of the city to intimidate neighbors.

My question to the P and Z committee is this: If he had presented this building to the committee and the neighbors had been allowed to object to the metal building, would the committee have allowed this large of a metal building to be built? In my experience, this seems excessive to store a tractor, a lawnmower and feed and hay for livestock. He originally said it was for shelter for the animals but they are locked in the front pastures. I would support him building a shed for



the animals to get out of the weather. If neighbors had been allowed to protest the location, I would have been fine with the building closer to my property since we have a tree line between most of our shared fence. Mrs Graff has the building closest to her yard and she asks Mr Abate to place a greenery shield. It would have been \$2-3000 but he stopped responding to her text/emails. He later put up the 8 ft fence. He has since put some bushy trees next to my fence to obscure the 15 feet of open fence.

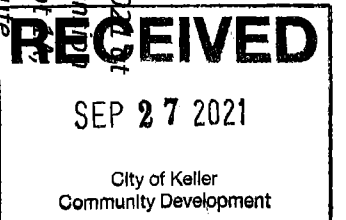
My opinion is that the P and Z should deny this expansion of the metal building due to objections of the neighbors and his blatant disregard for city rules. If you approve this expansion you are rewarding his vengeful behavior towards his neighbors and making a mockery of city rules.

A handwritten signature in black ink, appearing to read "Susan E. G. DVM". The signature is fluid and cursive, with the "DVM" part being more distinct and upright than the preceding names.

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-21-0028

"The Planning and Zoning Commission of the City of Keller will hold a public hearing at 7:00 PM on Tuesday, September 28, 2021 at Keller Town Hall, 1100 Bear Creek Parkway, to consider a request for a Specific Use Permit (SUP) for the 800 square-foot expansion and a 500 square-foot lean-to addition of an existing 1200 square-foot accessory structure on property legally described as Lot 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, Jeffrey and Loren Abate, Applicants/Owners (SUP-21-0028)."

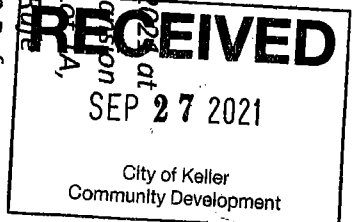


Date	Printed Name	Street Address	City, State, Zip	Signature
9-21-21	JoAnne Shepard	790 Windemere Way	Keller, TX 76248	JoAnne Shepard
9/24/21	Renald K. Shepard	790 Windemere Way	Keller, TX 76248	Renald K. Shepard
9/24/21	Beta Joyce Rich	794 Windemere Way	Keller, TX 76248	Beta Joyce Rich
9/21/21	Thomas Horer	796 Windemere Way	Keller, TX 76248	Thomas Horer
9/21/2021	KAREN HORNS	796 WINDEMERE WAY	Keller, TX 76248	Karen Horns
9/22/2021	Kenny D. Smith	792 Windemere Way	Keller, TX 76248	Kenny D. Smith
9/22/2021	Margaret J. Smith	792 Windemere Way	Keller, TX 76248	Margaret J. Smith
9/22/2021	Melaine Henderson	798 Richmond Ln	Keller, TX 76248	Melaine Henderson
9/22/21	Brad Henderson	728 Richmond Ln	Keller, TX 76248	Brad Henderson
9/22/21	Donald McCreary	752 Richmond Ln	Keller, TX 76248	Donald McCreary
9/22/21	Carolyns McCreary	752 Richmond Ln	Keller, TX 76248	Carolyns McCreary

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Date	Printed Name	Street Address	City, State, Zip	Signature
9/24/21	Harold Washington	786 Windemere Way	Keller, TX 76248	
9/24/21	Lynda Washington	786 Windemere Way	Keller, TX 76248	
9/25/21	Seung-Speingee Robert	748 Richmond Ln	Keller, TX 76248	
9/25/21	(Bobby) Speingee	748 Richmond Ln	Keller, TX 76248	
9/26/21	Volkinga C. Lomax	801 Olympic Drive	Keller, TX 76248	
9/26/21	Edison Q. Lomax	801 Olympic Drive	Keller, TX 76248	
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RECEIVED
SEP 27 2021
City of Keller
Community Development

[illegible]

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[illegible]

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Community Development

[illegible]

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RECEIVED
2021
27 2021
City of Keller
Community Development

[illegible]

This petition is only partially complete as people plan to sign but are out of town.

This should not be considered complete.

9/27/21

