



SPECIAL EXCEPTION APPLICATION PACKET

NOTICE TO SPECIAL EXCEPTION APPLICANT

- Applicants have a right to request a Special Exception when authorized by the Zoning Ordinance; however, obtaining a Special Exception is not a right and is not guaranteed. In fact, it is difficult to obtain a Special Exception because of the restrictions placed on the Board of Adjustment by the State of Texas and the standards that must be met before a Special Exception can be granted.
- The Board of Adjustment (BOA) is a quasi-judicial board. When in session, the BOA is the same, in most respects, as a court of law. Board members may only consider evidence that is presented to them. Also, appeals from BOA decisions can only be made to a District Court.
- **It is very important that you present sufficient evidence to make your case.** Pictures, maps, plats, testimony of witnesses, letters from neighbors, etc., are examples of typical evidence considered by the BOA.
- **No application for a Special Exception shall be granted by the BOA unless the board finds all of the following conditions are present:**
 - (1) That the establishment, maintenance or operation of the use will not be materially detrimental to or endanger the public health, safety, morals, or general welfare;
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of use;
 - (3) That the establishment of the use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
 - (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
 - (6) That the use shall conform to all applicable area, yard, height, lot coverage, building size, and exterior requirements and parking space regulations of the district in which it is located.
- **If you do not present sufficient evidence to demonstrate that all of the above conditions are present, the BOA cannot grant your requested special exception.** The BOA may grant the applications with stipulations concerning conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Special Exception, as deemed necessary to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified above.

City of Kennedale
Board of Adjustment
Special Exception Application Instructions

Please turn in the following information/documents to the Board of Adjustment Secretary with your **completed application**.

1. Two copies of a site plans (drawn to scale) with all structures, fences, dimensions, property lines, etc., and how you propose to use the property and meet city development regulations.
2. A statement to the BOA explaining your request and how your proposed use would meet the six standards for a special exception.
Your statement must address all six standards.
3. Owner affidavit form completed if the applicant is not the property owner.
4. A \$250.00 non-refundable filing fee.
5. Any other information that you feel will help explain your request.

A schedule of BOA meetings and application deadlines is available from the Permits & Planning Department at Kennedale City Hall.

**** Note:** A sign will be placed on the property in question. The sign indicates that a special exception is requested for that particular site.

(This page does not need to be submitted with your application.)



APPLICATION FOR SPECIAL EXCEPTION

Special Exception Use Requested: _____

Note: the use must be listed as a special exception use in Unified Development Code Section 25.1

Applicant

APPLICANT NAME:	
BUSINESS NAME:	
PHONE:	ALTERNATE PHONE:
EMAIL:	
PHYSICAL ADDRESS:	
(City, State, Zip Code)	
Mailing Address: Same as above <input type="checkbox"/>	City, State, Zip Code

Property for which a Special Exception is requested

ADDRESS:
LEGAL DESCRIPTION:

NOTE: *Attach metes and bounds description if property is not platted.*

Property Owner

NAME:	
PHONE:	ALTERNATE PHONE:
EMAIL:	
PHYSICAL ADDRESS:	
(City, State, Zip Code)	
Mailing Address: Same as above <input type="checkbox"/>	City, State, Zip Code

1. Has a previous application or appeal been filed on this property? Yes No

1. A. If yes, when was the application or appeal filed?

2. Identify any requirements of Section 17-422 of the Kennedale city code that cannot be met. Give reason(s) why the requirement(s) cannot be met. Use the back of this form or attach a separate page if additional space is needed.

3. If the special exception request is for a land use, is the request for a use not allowed in the zoning district?

Yes No

3. A. Is this a remodel of an existing structure? Yes No

3. B. Is this new construction? Yes No

4. If the special exception request is for oil or gas well drilling, how many wells are requested for this location?

5. **Special exceptions may be granted by the Board of Adjustment only if all of the conditions listed on the Notice to Special Exception Applicant are present.**

Signature of applicant

Date

Standards for Special Exceptions

(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 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 or 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 and exterior requirements and parking space regulations of the district in which it is located (see Sections 25.1, 25.2, 25.3, 25.4, of the Unified Development Code)?

Special Exception Checklist: Required Site Improvements

BOA Case Number: _____

No application for a special exception shall be granted by the board of adjustment unless the board finds that adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided; that adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and that the use conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located.

Address: _____

Zoning district: _____

Has a special exception for the same use been granted for this property before? Y N

If yes, list any conditions applied to the previous special exception at the bottom of the checklist (or attach separate page).

Site Improvements

- Adequate water service in place? Y N
 - Size of water line available: _____
- Adequate sewer service in place?
 - Size of sewer line available: _____
- Adequate drainage facilities in place?
 - Describe facilities provided or state n/a: _____
- Adequate access roads in place?
 - Describe facilities provided: _____
- Other necessary site improvements?

Ingress and Egress

- Have adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets?
 - Drive approach width is adequate?
 - Drive lanes, drive approach, and parking are sufficient to prevent or minimize stacking or congestion in the public streets?
 - Comments: _____

Requirements of 17-405 (area, yard, height, lot coverage, building size, etc.)

- Required lot area: _____ Lot area provided: _____
- Required lot width: _____ Lot width provided: _____
- Required lot depth: _____ Lot depth provided: _____
- Required front setback: _____ Front setback provided: _____
- Required rear setback: _____ Rear setback provided: _____
- Required side setback: _____ Side setback provided: _____
- Maximum building height permitted: _____
 - Height of building proposed (or existing): _____
- Required min. building size: _____ Building size proposed (or existing): _____
- Maximum lot coverage: _____ Lot coverage proposed (or existing): _____
- Required masonry percentage: _____
 - Masonry percentage existing or proposed: _____

Parking

- Required number of spaces for the use: _____
- Number of spaces provided: _____

Previous special exception conditions: _____

CITY OF KENNEDALE
BOARD OF ADJUSTMENT
OWNER AFFIDAVIT

Case #BOA _____

Property Address: _____

Legal Description: _____

Applicant: _____

Applicant Email: _____

Type of BOA request: _____

I, _____, current owner of above mentioned property, authorize the applicant or his authorized representative to make application for the Kennedale Board of Adjustment to consider granting the above reference request on my behalf and to appear before the Board.

Owner Signature: _____

Date: _____

SWORN TO and Subscribed before me by _____

ON THIS _____ DAY OF _____, 20__

Notary Public, Tarrant County, Texas