



NOTICE OF REGULAR MEETING
CITY OF PILOT POINT
BOARD OF ADJUSTMENTS AND APPEALS

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENTS AND APPEALS OF THE CITY OF PILOT POINT, TEXAS, WILL HOLD A REGULAR MEETING ON:

DECEMBER 21, 2017

AT 6:00 PM

PILOT POINT CITY HALL

102 E. MAIN STREET, PILOT POINT, TEXAS

AGENDA

- A. ROLL CALL/CALL TO ORDER
- B. Public hearing on the variance request of Habitat for Humanity for a variance from the garage regulations for the SF-2, Single Family 2 Residential District contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8) for 305 E. White Street, also described as White Addition Block 38, Lot 2R-1.
- C. Discuss, consider, and possible action on the variance request of Habitat for Humanity for a variance from the garage regulations for the SF-2, Single Family 2 Residential District contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8) for 305 E. White Street, also described as White Addition Block 38, Lot 2R-1.
- D. Public hearing on the variance request of SNAG Investments for a variance from the side yard setback requirements to allow for 5-foot side yard setback requirements where 10 feet is required in MF-1, Multi-family Duplex zoning for 800 N. Church Street, also described as Tract 246 & 247, C. Smith Survey, Abstract No. 1139, 0.16 Acres.
- E. Discuss, consider, and possible action on the variance request of SNAG Investments for a variance from the side yard setback requirements to allow for 5-foot side yard setback requirements where 10 feet is required in MF-1, Multi-family Duplex zoning for 800 N. Church Street, also described as Tract 246 & 247, C. Smith Survey, Abstract No. 1139, 0.16 Acres.
- F. Public hearing on the variance request of SNAG Investments for a variance from the minimum garage requirements for duplexes contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.401(14) for 800 N. Church Street, also described as Tract 246 & 247, C. Smith Survey, Abstract No. 1139, 0.16 Acres.
- G. Discuss, consider, and possible action on the variance request of SNAG Investments for a variance from the minimum garage requirements for duplexes contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.401(14) for 800 N. Church Street, also described as Tract 246 & 247, C. Smith Survey, Abstract No. 1139, 0.16 Acres.
- H. Public hearing on the variance request of Saul and Dolores Reyes for a variance from the minimum garage requirements for duplexes contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.401(14) for 806 N. Dover Street, also described as Morgan Subdivision Block A, Lot 2, & 810 N. Dover Street, also described as Morgan Subdivision Block A, Lot 3.
- I. Discuss, consider, and possible action on the variance request of Saul and Dolores Reyes for a variance from the minimum garage requirements for duplexes contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.401(14) for 806 N. Dover Street, also described as

Morgan Subdivision Block A, Lot 2, & 810 N. Dover Street, also described as Morgan Subdivision Block A, Lot 3.

- J. Public hearing on the variance request of Joshua Freire for variance from setback requirements of 5' feet from the side property line to 1' feet from the side property line for an accessory structure (carport) for 525 South Washington Street, also described as White Addition Block 35, Lot 1R.
- K. Discuss, consider, and possible action on the variance request of Joshua Freire for variance from the side setback requirements of 5' feet from the side property line to 1' feet from the side property line for placement of an accessory structure (carport) for 525 South Washington Street, also described as White Addition Block 35, Lot 1R.
- L. Public Hearing on the condition of the structure at 522 E. Burks Street, Tract 157, C. Smith Survey, Abstract No. 1139, 1.0 Acres, and whether or not it is in violation of the Substandard Structure Ordinance.
- M. Discuss, consider, and possible action upon an order regarding the disposition of the structure at 522 E. Burks Streets, also described as Tract 157, C. Smith Survey, Abstract No. 1139, 1.0 Acres.
- N. Public hearing on the condition of the structure at 400 E. Division Street, White Addition Block 11, Lot (W94' of S104'), and whether or not it is in violation of the Substandard Structure Ordinance.
- O. Discuss, consider, and possible action on upon an order regarding the disposition of the structure at 400 E. Division Street, also described White Addition Block 11, Lot 3(W94' or S104').
- P. Adjourn

In compliance with the Americans with Disabilities Act, the City of Pilot Point will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 940-686-2165.

I the undersigned authority do hereby certify this notice was posted on the official bulletin board for the City of Pilot Point, Texas on **December 14, 2017 by 5:00 p.m.**, and shall remain posted for at least 72 hours preceding the scheduled time of said meeting.

A handwritten signature in dark ink, appearing to read "Alice Holloway", is written over a horizontal line.

Alice Holloway, City Secretary

DATE: December 13, 2017

TO: Board of Adjustment and Appeals

FROM: Kelly Carpenter, AICP, Development Services Director



RE: Variance Request of Habitat for Humanity of Denton County, 305 E. White Street

The Request

Habitat for Humanity purpose is to build affordable housing for low income families. The City of Pilot Point requires a two-car garage in the SF-2 zoning district which 305 E. White Street is currently zoned. Habitat for Humanity requested a variance from the garage regulations for the SF-2, Single Family 2 Residential District contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8) for 305 E. White Street, also described as White Addition Block 38, Lot 2R-1. Habitat for Humanity of Denton County proposes to not construct a garage.

City of Pilot Point Code of Ordinances regarding Variances

The Pilot Point Code of Ordinances states the Board of Adjustment can grant a variance, “When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board of adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following special variances and exceptions to the regulations herein established and take action relative to the continuance and discontinuance of a nonconforming use.”

In City of Pilot Point Code of Ordinances, Article 1.07 Boards and Commissions, Division 3 Board of Adjustments, Section 1.07.066 Jurisdiction, Subsection (a)(2) Hardships, the code states “the board can permit such variances of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, building size or percent of masonry required, where the literal enforcement of the provisions of chapter 14 of this code would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.”

Recommendation: Staffs recommendation on the variance case is pending presentation by applicant at the Board of Adjustments meeting.



Case Number _____

CITY OF PILOT POINT, TEXAS DEVELOPMENT APPLICATION

Application Type:

- | | |
|--|---|
| <input type="checkbox"/> Zoning/Rezoning | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Final Plat |
| <input checked="" type="checkbox"/> Board of Adjustment Variance | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Amending Plat |

Information and Copyright Releases

By signing below, you agree that the City of Pilot Point (the "City") is authorized and permitted to use the email address you provided on this form with regard to the Project and, if requested, the City may provide the email address to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in connection with the Project, if such reproduction is associated with the Project or in response to a Public Information Request.

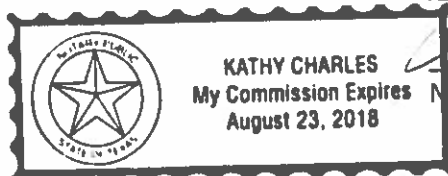
Property Owner HABITAT FOR HUMANITY OF DENTON COUNTY
Company _____
Phone Number 940-484-5006
Mailing Address P O Box 425
Email Address ROGER ANDERSON@HFH Denton County.ORG
Owner's Signature [Signature] CONSTRUCTION SUES MGR
Representative Roger Anderson
Company HFH Denton County
Phone Number 940-231-5825
Mailing Address P O Box 425
Email Address ROGER ANDERSON@HFH Denton County.ORG
Representative's Signature [Signature]

State of Texas)(
County of Denton)(

BEFORE ME, a Notary Public, on this day personal appeared Roger Anderson, the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

[Signature]
Owner or Representative

SUBSCRIBED AND SWORN TO before me, this the 19 day of October, 2017.



[Signature]
Notary Public in & for the State of Texas

PROJECT INFORMATION

Proposed Project Name WAIVER OF REQUIRED 2 CAR GARAGE
 Physical Location 305 E White St.
 Current Zoning SP2
 Proposed Zoning (If applicable) _____
 Subdivision/Survey Name WHITE
 Block/Abstract Number 38
 Lot/Tract Number 2R1
 Proposed Plat Name (If applicable) _____
 Acreage _____
 Number of Lots Created _____

DESCRIPTION OF PROPOSED PROJECT

HABITAT builds affordable homes for moderate to low income families. The cost of the required 2 car garage is a cost burden to Habitat and the future homeowner. The lot width dictates that the garage would be set behind the house. The Habitat home next door at 309 E. White was built w/o the 2 car garage.

SUBMISSION REQUIREMENTS

Application submissions shall be reviewed and accepted by the Development Services Director prior to acceptance. Incomplete applications will not be accepted.

Some applications, depending upon the type of project, may require more than four weeks of staff review prior to scheduling for Planning and Zoning Commission consideration.

Before preparing an application, the applicant should consult with the Development Services Director to discuss the feasibility of the request and any additional information needed to process the application.

The following list of submission requirements should be used by the applicant as a guide in preparing a complete application and will be used by the City to insure the completeness of the application.

- A. A completed and fully signed application form.
- B. A legal description of the property. A metes and bounds description is required for the property if it is not platted. A Word compatible copy of the description shall be provided on a CD-ROM or by email to the Development Services Director.
- C. A check for the application fee, made payable to the City of Pilot Point.
- D. An electronic PDF document with all necessary drawings or exhibits.

Board of Adjustment and Appeals,

Habitat for Humanity purpose is to build affordable housing for low income families. We are currently building a home for a qualified Family Partner at 305 E White Street, Pilot Point. In 2016 we build a home at 309 E White Street, Pilot Point that is adjacent to this property. When we began our budget for this build in June 2017 we used the same criteria as the 2016 build. It did not come to our attention that there was a requirement for a garage until the building permits was applied for and we were all lined up to start the foundation and the walls up with volunteers. The city was kind enough to let us begin the process while we waited for the Board of Adjustments and Appeals to hear our request for a variance.

We are asking for a variance due to the hardship this would created on Habitat for Humanity of Denton County and the Family Partner.

Obstacle: In order to add a 20X20 garage to this home we estimate a cost overrun of approximately \$20,000 to the construction budget. We sales these home to the Family Partner based on the construction budget. This additional overrun would have a negative impact on the Family Partners ability to afford this mortgage. It is Habitat for Humanity's policy to pass the homes on to the family for the construction costs of the home based on their affordability.

Additionally, we have estimated a 4-6-week delay of the project which would create a strain on the Family Partner. Currently we anticipate the home being completed mid/late-January. The Family Partner is currently homeless after the home she was renting in Pilot Point became uninhabitable and is currently splitting her family between two extended family members that have been gracious enough to open their homes to her family as we complete the build. The addition of the garage could push the dedication and family moving in to early March, depending on weather.

We are seeking a variance based on the hardship this would place on Habitat for Humanity of Denton County financially, and the burden this would cause for the Family Partner both financially and in the delay in placing this family in a home.

Further, we believe that the pad parking design Habitat provided at the adjacent property is consistent with the other homes in the area and are hopeful you would grant the variance for a 2 car garage on this property.

Background information:

We fundraise for a house based on the budget for the cost of the build. This house was budgeted without a garage at a price of 116,000.00. The sales price of the house to the home owner is 115,000.00

In order to start a build, Habitat has a rule that we need to have 4 things in place to start a build:

- Property – must have a property that will suit the size of the family.
- Family – approved family that meets the criteria and can afford the mortgage on the home.
- Funding – all money must be allotted for prior to the build being started.
- Volunteers – group of volunteers from the area and a house leader or sponsor are required.

Property: The property was donated to Habitat.

Family: Kristen Logue is a single mom with 3 small children that are very excited about getting a permanent home. Kristen has been in our program for almost a year and she has been working to

complete the required sweat equity hours in order to qualify for the home. As a single mom, Kristen is required to complete 350.00 hours. To date, she has completed 264.8 hours. Habitat for Humanity does not give away homes, but rather helps families become responsible homeowners that are required to maintain their home as well as repay a no interest mortgage that includes property taxes and insurance. Additionally, we do continuing education for the families to include money management and home ownership classes through out the years of homeownership.

Funding: Each home we build is required to have the fundraising in place prior to it being started. This home has been made possible by various small grant, gifts in kind and our main house sponsor, Ruth's Room. Ruth's Room is a thrift store in Denton established in 2000 with the sole purpose of supporting build Habitat for Humanity of Denton County. It was founded by Ruth Hodges, mother of Bunny Hodges, the founding direct. 85% of the proceeds are given to Habitat for Humanity of Denton County. These funds are restricted to be used for home builds only.

Volunteers: Our builds are completed with primarily volunteer labor along with a dedicated group from or Building Committee. We have been extremely blessed with this build as we have had an abundance of volunteers and are extremely blessed and thankful.

Respectfully submitted,
Jodie Boutilier
940-484-5006 x 9002
jodieboutilier@hfhdentoncounty.org.

309 E. WHITE STREET, PILOT POINT



HOUSE BUILT FROM

JUNE - DEC 2014

HABITAT BUILDS
2015-2017



Current home is being
built next to the home in 2016



DENTON COUNTY PROPERTY



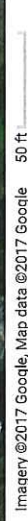
Denton County Property



Denton County Property



Denton County Property



real view of howe in question

424 WHITE ST, PILOT POINT



area house w/o a garage



area house w/o a garage



area house w/o garage



area house w / car port.



Area house w/o grass



area house w / car port.



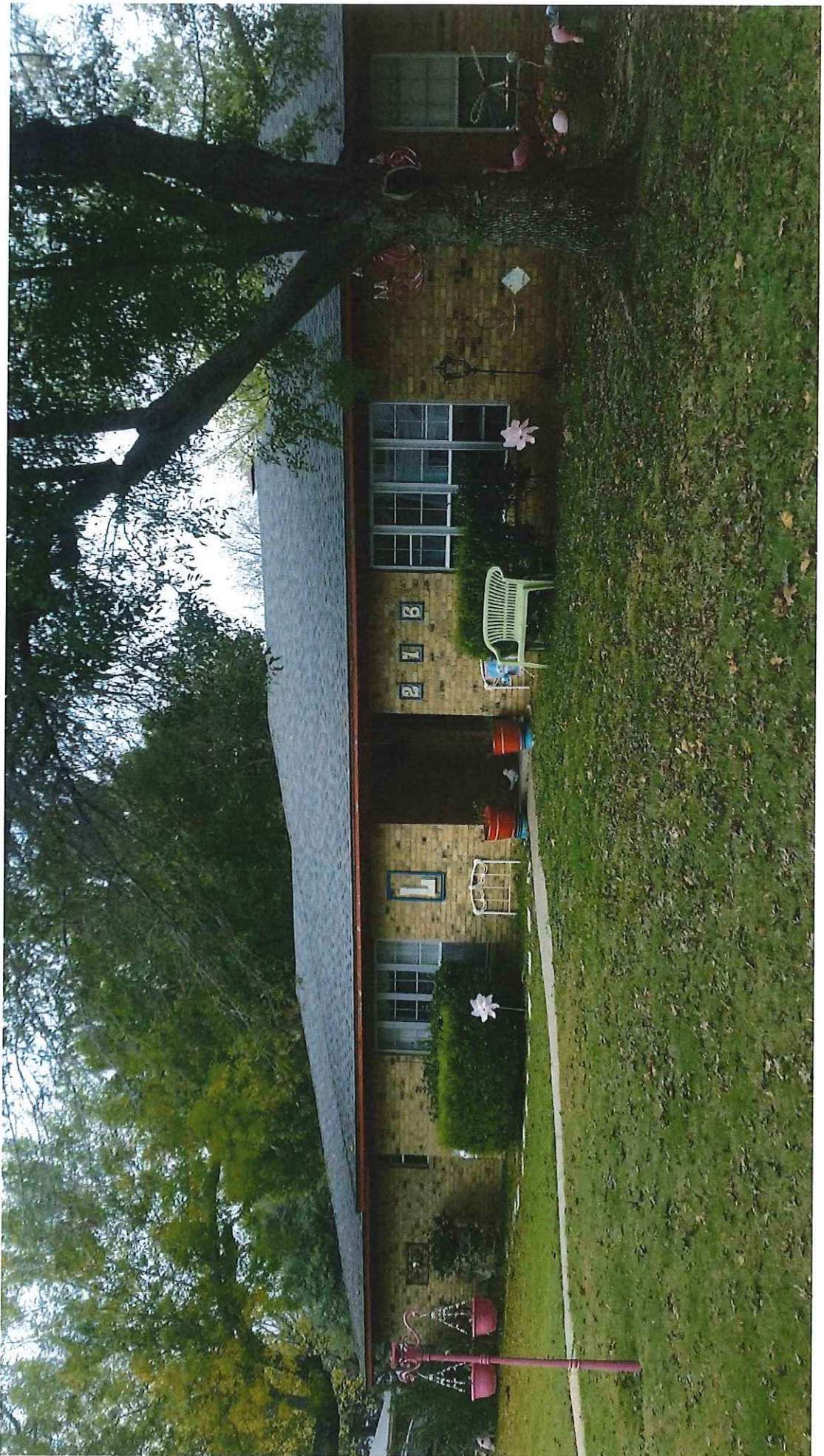
area home w/ car port.



area house w / car port.



area can w/ car port.



Ruth's Room Thrift Store

- Established in November of 2000
- Named for Ruth Hodges, mother of Bunny Hodges, the founding director
- 85% of the proceeds are given to Habitat for Humanity of Denton County. These funds are restricted to be used for home builds only.
- They accept gently used housewares, clothing, furniture, and small electronics for resale to the public.

Donate

**HOME GOODS,
FURNITURE,
CLOTHING, ETC.**

At our partner, Ruth's Room
1721 N. Carroll Blvd.
Denton, TX. 76201
(Next door to our admin office)

Schedule a pick-up by calling
(940) 591-7884



DATE: December 13, 2017

TO: Board of Adjustment and Appeals

FROM: Kelly Carpenter, AICP, Development Services Director

RE: Variance Request(s) of SNAG Investments, 800 N. Church Street



The Request

SNAG Investments has two variance requests for the purpose of constructing a duplex at 800 N. Church Street. SNAG Investments would like to construct a duplex at 800 N. Church Street which is developed consistent with their development, 720 N. Church Street, directly adjacent to the W' of 800 N. Church Street. The City of Pilot Point has passed and adopted minimum garage requirements which would require the developer to build duplexed with either a one or two car garage based on the number of bedrooms in the units. SNAG Investments has requested a variance from the side yard setbacks and minimum garage requirements for duplex units.

- (1) SNAG Investments requests a variance from the side yard setback requirements to allow for 5-foot side yard setback requirements where 10 feet is required in MF-1, Multi-family Duplex zoning for 800 N. Church Street, also described as Tract 246 & 247, C. Smith Survey, Abstract No. 1139, 0.16 Acres.
- (2) SNAG Investments requests a variance from the minimum garage requirements for duplexes contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.401(14) for 800 N. Church Street, also described as Tract 246 & 247, C. Smith Survey, Abstract No. 1139, 0.16 Acres.

City of Pilot Point Code of Ordinances regarding Variances

The Pilot Point Code of Ordinances states the Board of Adjustment can grant a variance, “When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board of adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following special variances and exceptions to the regulations herein established and take action relative to the continuance and discontinuance of a nonconforming use.”

In City of Pilot Point Code of Ordinances, Article 1.07 Boards and Commissions, Division 3 Board of Adjustments, Section 1.07.066 Jurisdiction, Subsection (a)(2) Hardships, the code states “the board can permit such variances of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, building size or percent of masonry required, where the literal enforcement of the provisions of chapter 14 of this code would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.”

Recommendation: Staffs recommendation on the variance case is pending presentation by applicant at the Board of Adjustments meeting.



Case Number _____

CITY OF PILOT POINT, TEXAS DEVELOPMENT APPLICATION

Application Type:

- | | |
|--|---|
| <input type="checkbox"/> Zoning/Rezoning | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Final Plat |
| <input checked="" type="checkbox"/> Board of Adjustment Variance | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Amending Plat |

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Property Owner SNAG INVESTMENTS
Company _____
Phone Number 972-880-5646
Mailing Address PO Box 202 Pilot Point Tx 76258
Email Address _____
Owner's Signature Nathan Brown

Representative Same as Above
Company _____
Phone Number _____
Mailing Address _____
Email Address _____
Representative's Signature _____

State of Texas)(
County of DeWitt)(

BEFORE ME, a Notary Public, on this day personal appeared Nathan Brown, the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

Nathan Brown
Owner or Representative

SUBSCRIBED AND SWORN TO before me, this the 26th day of October, 2017.



Kathy Charles
Notary Public in & for the State of Texas

PROJECT INFORMATION

Case Number _____

Proposed Project Name _____
Physical Location 800 N. Church St.
Current Zoning MF1
Proposed Zoning (If applicable) -
Subdivision/Survey Name C Smith
Block/Abstract Number A 1139
Lot/Tract Number 246/247
Proposed Plat Name (If applicable) _____
Acreage .16
Number of Lots Created _____

DESCRIPTION OF PROPOSED PROJECT

- ① Side Set back from 10-5
- ② Garage
- _____
- _____
- _____
- _____

SUBMISSION REQUIREMENTS

Application submissions shall be reviewed and accepted by the Development Services Director prior to acceptance. Incomplete applications will not be accepted.

Some applications, depending upon the type of project, may require more than four weeks of staff review prior to scheduling for Planning and Zoning Commission consideration.

Before preparing an application, the applicant should consult with the Development Services Director to discuss the feasibility of the request and any additional information needed to process the application.

The following list of submission requirements should be used by the applicant as a guide in preparing a complete application and will be used by the City to insure the completeness of the application.

- A. A completed and fully signed application form.
- B. A legal description of the property. A metes and bounds description is required for the property if it is not platted. A Word compatible copy of the description shall be provided on a CD-ROM or by email to the Development Services Director.
- C. A check for the application fee, made payable to the City of Pilot Point.
- D. An electronic PDF document with all necessary drawings or exhibits.

DATE: December 13, 2017

TO: Board of Adjustment and Appeals

FROM: Kelly Carpenter, AICP, Development Services Director

RE: Variance Request of Saul & Delores Reyes, 806 and 810 N. Dover Street



The Request

The property owner has previous plans which were approved for construction in 2010. The plans are no longer in compliance with our current codes which means that they are not able to approved by the Development Services Department. The property owner is requesting the variance for the purpose of constructing duplex units on the two lots with utilizing the old construction documents.

Saul and Dolores Reyes request a variance from the minimum garage requirements for duplexes contained in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.401(14) for 806 N. Dover Street, also described as Morgan Subdivision, Block A, Lot 2, & 810 N. Dover Street, also described as Morgan Subdivision, Block A, Lot 3.

City of Pilot Point Code of Ordinances regarding Variances

The Pilot Point Code of Ordinances states the Board of Adjustment can grant a variance, “When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board of adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following special variances and exceptions to the regulations herein established and take action relative to the continuance and discontinuance of a nonconforming use.”

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Recommendation: Staffs recommendation on the variance case is pending presentation by applicant at the Board of Adjustments meeting.



Case Number _____

CITY OF PILOT POINT, TEXAS DEVELOPMENT APPLICATION

Application Type:

- | | |
|--|---|
| <input type="checkbox"/> Zoning/Rezoning | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Final Plat |
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| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Amending Plat |

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Property Owner Saul and Dolores Reyes
Company _____
Phone Number 940 595 3176
Mailing Address 1201 Ector St, Denton Tx 76201
Email Address s.reyes2009@hotmail.com
Owner's Signature [Signature]

Representative _____
Company _____
Phone Number _____
Mailing Address _____
Email Address _____
Representative's Signature _____

State of Texas)(
County of Denton)(

BEFORE ME, a Notary Public, on this day personal appeared Saul Guillen Reyes, the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

[Signature]
Owner or Representative

SUBSCRIBED AND SWORN TO before me, this the 30th day of October, 2017.



[Signature]
Notary Public in & for the State of Texas

PROJECT INFORMATION

Proposed Project Name 806 N. Dover and 810 N. Dover
Physical Location _____
Current Zoning MF1
Proposed Zoning (If applicable) _____
Subdivision/Survey Name Harris Morgan
Block/Abstract Number A
Lot/Tract Number 2 and 3
Proposed Plat Name (If applicable) _____
Acreage 0.1347 and 0.1403
Number of Lots Created 2

DESCRIPTION OF PROPOSED PROJECT

Request variance for minimum garage require-
ments for duplexes

SUBMISSION REQUIREMENTS

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- C. A check for the application fee, made payable to the City of Pilot Point.
- D. An electronic PDF document with all necessary drawings or exhibits.

PAID**OCT 30 2017****CITY OF PILOT POINT**

To whom it may concern,

My name is Saul Reyes and my wife's name is Dolores Reyes. In 2009, we bought two lots on Dover St. Soon after that I had floor plans engineered specifically for these lots. We also had a foundation design made and did a soil survey. By then I had already spent thousands of dollars. Later on, we got a building permits approved along with the water and sewer taps, which were several thousand more. Then, we had some financial problems which did not allow us to move forward with our plans. So, the properties sat until about three weeks ago when we decided to put them on the market. We included the floor plans, foundation design, soil survey, and utility taps on site as a part of a package deal with the properties. We went into contract with buyers about two weeks ago but found out there was a new ordinance that said there has to be an attached garage in any duplex built. Our floor plans are for a duplex with three bedrooms, two baths, and no garage. Now, most of the hard earned money we spent on floor plans and foundation design is going to be of no use because the plans do not comply with the ordinance. My buyers are thinking of backing out because of the uncertainty and extra costs of drawing up new plans. The dimensions of the property make it very difficult to draw up floor plans that will accommodate the ordinance, which can discourage other potential buyers as well. I am asking the board of directors to please review my case and consider granting me permission to build the floor plans that I have had and were previously approved in 2010. I would think that the property would be grandfathered in due to the fact that we had previous approval for our plans. We would have built sooner but we did not have the financial means to do so. If we would have known about the ordinance sooner, we would have tried to do what we could to sell earlier or build beforehand. Thank you for your consideration and understanding.

Sincerely,

Saul & Dolores Reyes

DATE: December 13, 2017

TO: Board of Adjustment and Appeals

FROM: Kelly Carpenter, AICP, Development Services Director

RE: Variance Request of Joshua Freire, 525 S. Washington Street



The Request

Joshua Freire has requested a variance from the side setback requirements of 5' feet from the side property line to place an accessory structure (carport) 1' foot away from the side property line for 525 South Washington Street, also described as White Addition Block 35, Lot 1R.

City of Pilot Point Code of Ordinances regarding Variances

The Pilot Point Code of Ordinances states the Board of Adjustment can grant a variance, "When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board of adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following special variances and exceptions to the regulations herein established and take action relative to the continuance and discontinuance of a nonconforming use."

In City of Pilot Point Code of Ordinances, Article 1.07 Boards and Commissions, Division 3 Board of Adjustments, Section 1.07.066 Jurisdiction, Subsection (a)(2) Hardships, the code states "the board can permit such variances of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, building size or percent of masonry required, where the literal enforcement of the provisions of chapter 14 of this code would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district."

Recommendation: Staff's recommendation on the variance case is pending presentation by applicant at the Board of Adjustments meeting.



Case Number _____

CITY OF PILOT POINT, TEXAS DEVELOPMENT APPLICATION

Application Type:

- | | |
|--|---|
| <input type="checkbox"/> Zoning/Rezoning | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Final Plat |
| <input checked="" type="checkbox"/> Board of Adjustment Variance | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Plat Vacation | <input type="checkbox"/> Amending Plat |

Information and Copyright Releases

By signing below, you agree that the City of Pilot Point (the "City") is authorized and permitted to use the email address you provided on this form with regard to the Project and, if requested, the City may provide the email address to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in connection with the Project, if such reproduction is associated with the Project or in response to a Public Information Request.

Property Owner JOSHUA FREIRE
Company CORE ELECTRIC
Phone Number 972-254-0510
Mailing Address 525 SOUTH WASHINGTON STREET
Email Address MERCEDESAMTOX@GMAIL.COM
Owner's Signature [Signature]

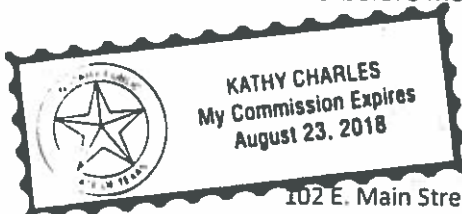
Representative JOSHUA FREIRE
Company CORE ELECTRIC
Phone Number 972-254-0510
Mailing Address 525 SOUTH WASHINGTON STREET
Email Address MERCEDESAMTOX@GMAIL.COM
Representative's Signature [Signature]

State of Texas)
County of Denton)

BEFORE ME, a Notary Public, on this day personal appeared Joshua Freire, the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

[Signature]
Owner or Representative

SUBSCRIBED AND SWORN TO before me, this the 1st day of NOVEMBER, 2017.



[Signature]
Notary Public in & for the State of Texas

PROJECT INFORMATION

Proposed Project Name _____
 Physical Location _____
 Current Zoning _____
 Proposed Zoning (If applicable) _____
 Subdivision/Survey Name _____
 Block/Abstract Number _____
 Lot/Tract Number _____
 Proposed Plat Name (If applicable) _____
 Acreage _____
 Number of Lots Created _____

DESCRIPTION OF PROPOSED PROJECT

Variance Request from Setback Requirement from Side
Property Line for an Accessory Structure (Garport)
Currently Limited to 5' from Property Line,
Requesting Change to 1' from Property Line.

SUBMISSION REQUIREMENTS

Application submissions shall be reviewed and accepted by the Development Services Director prior to acceptance. Incomplete applications will not be accepted.

Some applications, depending upon the type of project, may require more than four weeks of staff review prior to scheduling for Planning and Zoning Commission consideration.

Before preparing an application, the applicant should consult with the Development Services Director to discuss the feasibility of the request and any additional information needed to process the application.

The following list of submission requirements should be used by the applicant as a guide in preparing a complete application and will be used by the City to insure the completeness of the application.

- A. A completed and fully signed application form.
- B. A legal description of the property. A metes and bounds description is required for the property if it is not platted. A Word compatible copy of the description shall be provided on a CD-ROM or by email to the Development Services Director.
- C. A check for the application fee, made payable to the City of Pilot Point.
- D. An electronic PDF document with all necessary drawings or exhibits.



To: Board of Adjustment Member

Date: December 13, 2017

RE: 522 E. Burks Street

The property is owned by Melvin Harris of Pilot Point, Texas and his mailing address is a post office box in that city. On September 14, 2017, the structure was deemed a substandard structure and a health/safety danger by the City's Building Official, Mike Doughty. His report is attached for your reference. Photos of the structure are also included for reference.

Notice of the public hearing was sent to the property owner advising the property owner that they can appear at the public hearing and provide a plan for either repairing the structure or demolishing it. If no action is taken by the owner within 30 days, staff will move forward with demolition of the house by the City. If the property owner or agent does demolish the structure within 30 days than no further action is necessary and the case is closed.









UNSAFE BUILDING/ SUBSTANDARD STRUCTURE ORDER

Tract 157, C. Smith Survey, Abstract No. 1139, 522 E. Burks Street

AN ORDER OF THE BOARD OF ADJUSTMENT OF THE CITY OF PILOT POINT, TEXAS, DECLARING THE STRUCTURE LOCATED AT 522 E. BURKS STREET, PILOT POINT, TEXAS, TO BE AN UNSAFE BUILDING AND SUBSTANDARD STRUCTURE; ORDERING THE RESPONSIBLE PARTY TO SECURE THE STRUCTURE; ORDERING THE RESPONSIBLE PARTY TO KEEP THE STRUCTURE VACATED; ORDERING THE RESPONSIBLE PARTY TO CORRECT THE SUBSTANDARD CONDITIONS; SETTING FORTH TERMS FOR COMPLIANCE WITH THE ORDER; AND ESTABLISHING PENALTIES AND REMEDIES FOR NON-COMPLIANCE

WHEREAS, the Board of Adjustment for the City of Pilot Point, Texas, acting pursuant to its authority regarding unsafe buildings/substandard structures, conducted a public hearing on December 21, 2017, to consider abatement of the building/structure located at and on Tract 157, C. Smith Survey, Abstract No. 1139, commonly known as 522 E. Burks Street, Pilot Point, Denton County, Texas, (hereinafter the "Structure"), owned by Melvin Harris (hereinafter the "Responsible Party"); and

WHEREAS, the Board of Adjustment finds that proper notices of said public hearing were given and provided in accordance with City ordinances and other laws regarding the hearing at which this order is being passed; and

WHEREAS, prior to the taking of testimony and the receipt of other evidence, all witnesses who testified and provided other evidence at the hearing were duly sworn in; and

WHEREAS, the Responsible Party, or a duly authorized representative of the Representative Party, was given notice and an opportunity to appear at the hearing and provide information regarding the Structure, and [did/did not] appear at the hearing, and presented no evidence or other information to contradict or in opposition to the City's evidence of the unsafe condition of the Structure, or that more than thirty (30) days is needed by the Responsible Party to reasonably perform the work to repair, remove or demolish the Structure; and

WHEREAS, the Board of Adjustment received evidence, both oral and written, and other evidentiary information from the City staff regarding the condition of the Structure, that the Structure is in disrepair, is dilapidated, is substandard, is a danger to the public health, safety and welfare, constitutes a public nuisance, is an unsafe and dangerous building, and that it should be abated and repaired, removed or demolished,

and no evidence was offered or submitted to the Board of Adjustment contradicting the same; and

WHEREAS, the Board of Adjustment finds that the evidence, including all of the written and other evidence and information submitted by the City staff at the hearing, is true and correct and incorporates the same into the body of this Order; and

WHEREAS, based upon the evidence presented, the Board of Adjustment of the City of Pilot Point finds and has determined the Structure to be an unsafe building and substandard structure pursuant to and in violation of City ordinances, including Code of Ordinances, Article 3.07 and provisions of the International Codes adopted by the City of Pilot Point, Texas; and

WHEREAS, the Board of Adjustment finds that the Structure is hereby declared to be dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons or property; and

NOW, THEREFORE BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PILOT POINT, TEXAS, THAT:

SECTION 1. PREAMBLE AND PREMISES TRUE AND CORRECT

The above and foregoing preamble and premises are true and correct and are incorporated into and made apart of this order for all purposes, and the Board of Adjustment so finds. As set forth above, the Board of Adjustment finds that the Structure is an unsafe building and substandard structure which must be repaired, removed or demolished.

SECTION 2. PROPERTY DECLARED A DANGEROUS BUILDING

The Structure is hereby declared to be an unsafe building due to conditions as specified in the attached Inspection Report for the Structure, attached as Exhibit A and incorporated for all purposes, and in accordance with the City ordinances.

SECTION 3. ORDER TO SECURE STRUCTURE

The Responsible Party (and any occupant or person in custody of the building or structure) is hereby ordered to secure the Structure by no later than **[insert date within 30 days]**, 2016 so as to prevent unauthorized entry and/or occupancy to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage, or could be entered or used by children.

SECTION 4. ORDER TO VACATE

The Responsible Party is hereby ordered to keep the Structure (and property) vacant from any occupation from the time of the issuance of this order and during the effective time of this order.

SECTION 5. ORDER TO CORRECT SUBSTANDARD CONDITIONS

The Responsible Party is hereby further ordered to correct all other substandard conditions identified under Section 2 of this order and all other conditions as may be further identified in the process of renovation or demolition under a permit issued for such work. The Responsible Party may at Responsible Party's option, and with an appropriate permit, repair, remove, or demolish the Structure. The Responsible Party shall fully comply with this order within () days of the effective date of this order.

SECTION 6. TERMS FOR COMPLIANCE

(A) This order shall remain in effect until:

- (1) such time as, in the determination of the building official for the City, all substandard conditions herein identified or otherwise identified in the process of renovation or demolition have been subsequently corrected, or
- (2) replaced, modified, amended, or repealed by action of the Board of Adjustment of the City of Pilot Point.

(B) The Responsible Party shall be considered to be in compliance with this order when a valid building permit for renovation or demolition is in effect for the Structure. If the permit expires or is revoked for any reason, the Responsible Party shall no longer be in compliance with this order. No work shall be performed until such time as a permit is issued consistent with City ordinances. All work to be performed shall be conducted in compliance with City ordinances, state and federal regulations and statutes. No person or entity may occupy the Structure until such time as a final inspection is conducted and a certificate of occupancy issued. If the Structure is demolished, all unhealthy and unsafe conditions on the property must be eliminated, which shall include cleaning and grading of the property.

SECTION 7. PENALTIES AND REMEDIES FOR NON-COMPLIANCE

It is further ordered that if the Responsible Party fails to comply with any part of this order by the specified date(s), and if any mortgagees or lienholders fail to comply with the order in the Responsible Party's stead and by the specified dates, the City is hereby authorized at its discretion to vacate, secure, repair, remove, and/or demolish the Structure at its own expense.

The City is authorized to assess a civil penalty against the Responsible Party in the amount of up to one thousand dollars (\$1,000.00) per day for each day that the Structure, if non-homestead, continues to be in violation of this order.

Such costs or penalty shall accrue interest at a rate of 10% per annum. The City shall have all remedies provided by law to recover such costs, penalties, and interest, and shall be entitled to place a lien on the property unless it is a homestead protected by the Texas Constitution.

SECTION 8. POSTING OF WARNINGS ON UNSAFE BUILDING

The Building Official of the City shall cause notice to be posted pursuant to the City ordinances and state law as required.

SECTION 9. SEVERABILITY, SAVINGS, AND EFFECTIVE CLAUSES

If any portion of this order is at any time be determined or adjudged to be invalid, the remaining portion(s) of this order shall be severable and shall remain in force and enforceable. This order shall become effective upon its passage and publication as required by law.

**APPROVED AND PASSED BY THE BOARD OF ADJUSTMENT OF THE
CITY OF PILOT POINT, TEXAS, THIS THE 21st DAY OF DECEMBER, 2017.**

APPROVED:

Chairman, Board of Adjustment
of the City of Pilot Point

ATTEST:

Alice Holloway
City Secretary

**NOTICE TO SUBSEQUENT OWNERS,
GRANTEES, LIENHOLDERS OR TRANSFEREES**

Pursuant to Article 3.07 and other applicable provisions of the Pilot Point Code of Ordinances and Section 214.001 et seq. of the Texas Local Government Code, notice is hereby given that the filing of this order is binding on all subsequent owners, grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of this order, and constitutes notice of the order on any subsequent recipient of any interest in the property who acquires such an interest after the filing of this order.



To: Board of Adjustment Member

Date: December 13, 2017

RE: 400 E. Division Street

The property is owned by Horizon Backer Inc. (Rodrigo and Maria Caicedo) of Fort Worth, Texas and their mailing address is to a residential home in that city. On September 14, 2017, the structure was deemed a substandard structure and a health/safety danger by the City's Building Official, Mike Doughty. His report is attached for your reference. Photos of the structure are also included for reference.

Notice of the public hearing was sent to the property owner advising the property owner that they can appear at the public hearing and provide a plan for either repairing the structure or demolishing it. If no action is taken by the owner within 30 days, staff will move forward with demolition of the house by the City. If the property owner or agent does demolish the structure within 30 days than no further action is necessary and the case is closed.

400 E. Division Photos



400 E. Division Photos



400 E. Division Photos



400 E. Division Photos



400 E. Division Photos



400 E. Division Photos



UNSAFE BUILDING/ SUBSTANDARD STRUCTURE ORDER

White Addition Block 11, Lot 3 (W94' of S104'); 400 E. Division Street

AN ORDER OF THE BOARD OF ADJUSTMENT OF THE CITY OF PILOT POINT, TEXAS, DECLARING THE STRUCTURE LOCATED AT 400 E. DIVISION STREET, PILOT POINT, TEXAS, TO BE AN UNSAFE BUILDING AND SUBSTANDARD STRUCTURE; ORDERING THE RESPONSIBLE PARTY TO SECURE THE STRUCTURE; ORDERING THE RESPONSIBLE PARTY TO KEEP THE STRUCTURE VACATED; ORDERING THE RESPONSIBLE PARTY TO CORRECT THE SUBSTANDARD CONDITIONS; SETTING FORTH TERMS FOR COMPLIANCE WITH THE ORDER; AND ESTABLISHING PENALTIES AND REMEDIES FOR NON-COMPLIANCE

WHEREAS, the Board of Adjustment for the City of Pilot Point, Texas, acting pursuant to its authority regarding unsafe buildings/substandard structures, conducted a public hearing on **December 21, 2017**, to consider abatement of the building/structure located at and on **White Addition Block 11, Lot 3 (W94' of S104')**, commonly known as **400 E. Division Street**, Pilot Point, Denton County, Texas, (hereinafter the "Structure"), owned by **Horizon Backer, Inc.** (hereinafter the "Responsible Party"); and

WHEREAS, the Board of Adjustment finds that proper notices of said public hearing were given and provided in accordance with City ordinances and other laws regarding the hearing at which this order is being passed; and

WHEREAS, prior to the taking of testimony and the receipt of other evidence, all witnesses who testified and provided other evidence at the hearing were duly sworn in; and

WHEREAS, the Responsible Party, or a duly authorized representative of the Representative Party, was given notice and an opportunity to appear at the hearing and provide information regarding the Structure, and **[did/did not]** appear at the hearing, and presented no evidence or other information to contradict or in opposition to the City's evidence of the unsafe condition of the Structure, or that more than thirty (30) days is needed by the Responsible Party to reasonably perform the work to repair, remove or demolish the Structure; and

WHEREAS, the Board of Adjustment received evidence, both oral and written, and other evidentiary information from the City staff regarding the condition of the Structure, that the Structure is in disrepair, is dilapidated, is substandard, is a danger to the public health, safety and welfare, constitutes a public nuisance, is an unsafe and dangerous building, and that it should be abated and repaired, removed or demolished,

and no evidence was offered or submitted to the Board of Adjustment contradicting the same; and

WHEREAS, the Board of Adjustment finds that the evidence, including all of the written and other evidence and information submitted by the City staff at the hearing, is true and correct and incorporates the same into the body of this Order; and

WHEREAS, based upon the evidence presented, the Board of Adjustment of the City of Pilot Point finds and has determined the Structure to be an unsafe building and substandard structure pursuant to and in violation of City ordinances, including Code of Ordinances, Article 3.07 and provisions of the International Codes adopted by the City of Pilot Point, Texas; and

WHEREAS, the Board of Adjustment finds that the Structure is hereby declared to be dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons or property; and

NOW, THEREFORE BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PILOT POINT, TEXAS, THAT:

SECTION 1. PREAMBLE AND PREMISES TRUE AND CORRECT

The above and foregoing preamble and premises are true and correct and are incorporated into and made apart of this order for all purposes, and the Board of Adjustment so finds. As set forth above, the Board of Adjustment finds that the Structure is an unsafe building and substandard structure which must be repaired, removed or demolished.

SECTION 2. PROPERTY DECLARED A DANGEROUS BUILDING

The Structure is hereby declared to be an unsafe building due to conditions as specified in the attached Inspection Report for the Structure, attached as Exhibit A and incorporated for all purposes, and in accordance with the City ordinances.

SECTION 3. ORDER TO SECURE STRUCTURE

The Responsible Party (and any occupant or person in custody of the building or structure) is hereby ordered to secure the Structure by no later than **[insert date within 30 days]**, 2017 so as to prevent unauthorized entry and/or occupancy to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage, or could be entered or used by children.

SECTION 4. ORDER TO VACATE

The Responsible Party is hereby ordered to keep the Structure (and property) vacant from any occupation from the time of the issuance of this order and during the effective time of this order.

SECTION 5. ORDER TO CORRECT SUBSTANDARD CONDITIONS

The Responsible Party is hereby further ordered to correct all other substandard conditions identified under Section 2 of this order and all other conditions as may be further identified in the process of renovation or demolition under a permit issued for such work. The Responsible Party may at Responsible Party's option, and with an appropriate permit, repair, remove, or demolish the Structure. The Responsible Party shall fully comply with this order within _____ days of the effective date of this order.

SECTION 6. TERMS FOR COMPLIANCE

(A) This order shall remain in effect until:

- (1) such time as, in the determination of the building official for the City, all substandard conditions herein identified or otherwise identified in the process of renovation or demolition have been subsequently corrected, or
- (2) replaced, modified, amended, or repealed by action of the Board of Adjustment of the City of Pilot Point.

(B) The Responsible Party shall be considered to be in compliance with this order when a valid building permit for renovation or demolition is in effect for the Structure. If the permit expires or is revoked for any reason, the Responsible Party shall no longer be in compliance with this order. No work shall be performed until such time as a permit is issued consistent with City ordinances. All work to be performed shall be conducted in compliance with City ordinances, state and federal regulations and statutes. No person or entity may occupy the Structure until such time as a final inspection is conducted and a certificate of occupancy issued. If the Structure is demolished, all unhealthy and unsafe conditions on the property must be eliminated, which shall include cleaning and grading of the property.

SECTION 7. PENALTIES AND REMEDIES FOR NON-COMPLIANCE

It is further ordered that if the Responsible Party fails to comply with any part of this order by the specified date(s), and if any mortgagees or lienholders fail to comply with the order in the Responsible Party's stead and by the specified dates, the City is hereby authorized at its discretion to vacate, secure, repair, remove, and/or demolish the Structure at its own expense.

The City is authorized to assess a civil penalty against the Responsible Party in the amount of up to one thousand dollars (\$1,000.00) per day for each day that the Structure, if non-homestead, continues to be in violation of this order.

Such costs or penalty shall accrue interest at a rate of 10% per annum. The City shall have all remedies provided by law to recover such costs, penalties, and interest, and shall be entitled to place a lien on the property unless it is a homestead protected by the Texas Constitution.

SECTION 8. POSTING OF WARNINGS ON UNSAFE BUILDING

The Building Official of the City shall cause notice to be posted pursuant to the City ordinances and state law as required.

SECTION 9. SEVERABILITY, SAVINGS, AND EFFECTIVE CLAUSES

If any portion of this order is at any time be determined or adjudged to be invalid, the remaining portion(s) of this order shall be severable and shall remain in force and enforceable. This order shall become effective upon its passage and publication as required by law.

**APPROVED AND PASSED BY THE BOARD OF ADJUSTMENT OF THE
CITY OF PILOT POINT, TEXAS, THE 21st DAY OF DECEMBER, 2017.**

APPROVED:

Chairman, Board of Adjustment
of the City of Pilot Point

ATTEST:

Alice Holloway
City Secretary

**NOTICE TO SUBSEQUENT OWNERS,
GRANTEES, LIENHOLDERS OR TRANSFEREES**

Pursuant to Article 3.07 and other applicable provisions of the Pilot Point Code of Ordinances and Section 214.001 et seq. of the Texas Local Government Code, notice is hereby given that the filing of this order is binding on all subsequent owners, grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of this order, and constitutes notice of the order on any subsequent recipient of any interest in the property who acquires such an interest after the filing of this order.