

**AGENDA
BENBROOK ZONING BOARD OF ADJUSTMENT
AND APPEALS COMMISSION
TUESDAY, JUNE 25, 2019
911 WINSOTT ROAD
PRE-MEETING WORKSESSION, 7:00 P.M.
CENTRAL CONFERENCE ROOM**

1. Review and discuss items for the regular meeting

**REGULAR MEETING, 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

II. MINUTES

1. Approve Minutes Of The Regular Meeting Held May 28, 2019

Documents:

[ZBA MINUTES 05.28.19.PDF](#)

III. REPORTS BY CITY STAFF

A. ZONING BOARD OF ADJUSTMENT

1. ZBA-19-02

A request for the alteration of a non-conforming sign for the shopping center located at 7909 Camp Bowie West Boulevard, being a portion of Tract C, Boston Heights Addition. The property is zoned "F" Commercial District. [PUBLIC HEARING]

Documents:

[ZBA-19-02 STAFF REPORT.PDF](#)

[ZBA-19-02 ATTACHMENTS.PDF](#)

B. APPEALS COMMISSION

1. AC-19-01

Consideration of staff's recommendation to demolish all structures located at 1023 Bryant Street and is legally described as Lot 8, 3-A, Block 32, Benbrook Lakeside Addition. The property is zoned "B" One-Family District. [PUBLIC HEARING]

Documents:

[AC-19-01 STAFF REPORT.PDF](#)

[AC-19-01 ATTACHMENTS.PDF](#)

IV. ADJOURNMENT

**MINUTES
OF THE MEETING OF THE BENBROOK
ZONING BOARD OF ADJUSTMENT AND APPEALS COMMISSION
TUESDAY, MAY 28, 2018**

The Regular Meeting of the Zoning Board of Adjustment and Appeals Commission of the City of Benbrook was held on Tuesday, May 28, 2018 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following members present:

Donald Pilliod, Chair
Wes Myers, Vice Chair
Ghias Dean
Robert Wood
Lizbeth Sowell

Absent: Jacquie Messer, Alternate A
Carol Stacy, Alternate B

Also Present: Jim Hinderaker Assistant City Manager
Doug Howard City Planner
Caroline Stewart Assistant City Planner,
Recording Secretary

I. CALL TO ORDER

The Chair called the meeting to order at 7:29 p.m.

II. MINUTES

Motion by Mr. Myers to approve the minutes of the February 26, 2019 Board/Commission meeting as presented. Second by Ms. Sowell. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Pilliod, Mr. Myers, Mr. Dean, Mr. Wood, and Ms. Sowell

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

III. REPORTS FROM CITY STAFF

A. ZONING BOARD OF ADJUSTMENT

- i. **ZBA-19-01** – A request for the alteration of a non-conforming sign for the Benbrook Plaza Shopping Center located at 9441 Benbrook Boulevard and is legally described as lot A-R-1-R, Block 7, Hilltop Heights Addition. The property is zoned “HC” Highway Corridor District and within the Benbrook Boulevard Corridor Overlay District. [PUBLIC HEARING]

Matt Jamesen (Hadyn Culter Company), property owner, presented the request and answered questions from the Board.

Mr. Myers asked questions concerning the ability of the multi-tenant sign to meet the needs of future tenants and if the applicant was aware of the conditions of the City.

Mr. Wood had questions concerning the reason of the multi-tenant sign updates past tenant logo needs.

Doug Howard, City Planner, presented the staff report and answered questions from the Board.

Mr. Myers asked Doug Howard, City Planner, to confirm the goal of the City is to update the sign ordinance and that this was communicated with the applicant.

The applicant was brought to the stand to confirm communication with the City.

Mr. Wood asked Doug Howard, City Planner, to clarify condition number two in the staff recommendation and is there potential for this multi-tenant sign to come before the board again in the future.

Mr. Pilliod had a question concerning the chance of storm damage to the multi-tenant sign.

The Chair opened and closed the public hearing at 7:53 p.m. There were no public comments.

Motion by Ms. Sowell to authorize the alteration of the Benbrook Plaza multi-tenant pylon sign, as presented, with the following conditions:

- 1) Sign permits must be approved and issued prior to any alteration or business sign face changes;
- 2) Sign face replacements to add new businesses shall be permitted through December 2020, after which, all sign alterations must conform to the requirements of the zoning ordinance; and
- 3) Alterations shall not increase the level of non-conformity of the subject sign.

Seconded by Mr. Dean. The Chair called the question:

Vote on the Motion:

Ayes: Mr. Pilliod, Mr. Myers, Mr. Dean, Mr. Wood, and Ms. Sowell

Noes: None

Abstain: None

Motion carried: 5 – 0 – 0

IV. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 7:58p.m.

APPROVED: _____, 2019

Chair



City of Benbrook

Zoning Board of Adjustments

DATE: 06/25/2019	REFERENCE NUMBER: ZBA-19-02	SUBJECT: A request for the alteration of a non-conforming sign for the shopping center located 7909 Camp Bowie West Boulevard, being a portion of Tract C, Boston Heights Addition. The property is zoned "F" Commercial District. [PUBLIC HEARING]	PAGE: 1 of 3
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Project Name: Ollie's Bargain Outlet: Multi-tenant Sign

Request Type: Alteration of a Non-Conforming Sign

Site Description: 6.17 acres or 268,765sqft
Portion of Tract C, Boston Heights Addition

Location: 7909 Camp Bowie West Boulevard

Zoning District: "F" Commercial District

Property Owner: Sutherland Building Material Centers LP
Prairie Village, Kansas

Applicant: Doug Steward
Benbrook, TX

Summary

The shopping center located at 7909 Camp Bowie West Boulevard, previously occupied by Sutherland's, is currently being remodeled. The property owner divided the vacant tenant space into two spaces. Ollie's Bargain Outlet recently leased one of the spaces. There are now total of three tenant spaces within the center. The property owner is proposing to alter the existing non-conforming pylon sign in order for new business to identify themselves to the public and advertise their presence on the highway.

The applicant is proposing the following as sign updates:

- Reduce the size of the sign area; from 492sqft to 310sqft.
- Reduce the height of the sign; from 40ft to 39ft.
- Repair and repaint all defects in the current framework.
- Add a masonry planter to the base.

Background

The City does not have any historical permit information for the construction of the subject sign. It is assumed that the sign was permitted legally at the time of its construction and has been deemed legal non-conforming.

DATE: 06/25/2019	REFERENCE NUMBER: ZBA-19-02	SUBJECT: A request for the alteration of a non-conforming sign for the shopping center located 7909 Camp Bowie West Boulevard, being a portion of Tract C, Boston Heights Addition. The property is zoned "F" Commercial District. [PUBLIC HEARING]	PAGE: 2 of 3
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Staff Analysis

Non-conforming signs may not be altered, unless approved by the ZBA. The ZBA may authorize changes to a non-conforming sign if the request does not further the level of non-conformity and that the long-term goal of bringing signs into compliance is achieved. Staff finds:

1) The request does not further the level of non-conformity.

Pylon Sign Requirements:

- **Maximum Height:** 35ft.
 - The existing sign is 40ft in height. The proposal will reduce the height to 39ft, bringing the sign closer to conformance.
- **Minimum Front Yard Setback:** 25ft, plus 1 foot for every foot over 25ft in height.
 - The existing sign exceeds the minimum street setback requirement.
 - No proposed changes.
- **Minimum Side Yard Setback:** 25ft.
 - The existing sign exceeds the minimum side yard setback requirement.
 - No proposed changes.
- **Maximum Sign Area:** 120sqft, plus an additional 10% increase for each additional tenant; maximum of 240sqft.
 - The existing sign has 492sqft of signage area. Under the current regulations, a sign with 3 tenants would be allowed a maximum of 144sqft = 120sqft (1st tenant) + 12sqft (2nd tenant) + 12sqft (3rd tenant).
 - By reducing the sign area from 492sqft to 310sqft, the sign is coming closer to conformance.
 - This alteration does not increase the level of non-conformity.
- **Frontage Requirements:** 200ft.
 - The property exceeds the minimum frontage required. The property has approximately 312ft of frontage.
- **Design:** Requires the sign faces to be located entirely within two posts or columns. The sign face may not be located lower than 8ft from the ground.
 - The existing sign does not conform to the all design requirements. The sign cabinets are not located entirely between the two posts. The lowest cabinet, however, is more than 8ft feet above the ground.
 - The lowest cabinet is being reduced in size to fit entirely within the two posts, bringing the sign closer to conformance.
 - This alteration does not increase the level of non-conformity.

2) The request meets the long-term goal of bringing signs into compliance.

- In 2007, the ZBA authorized the alteration of this sign, which allowed a reduction of the sign area from approximately 660sqft to 500sqft. If approved, the

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applicant's proposal would, once again, reduce the size of the sign, bringing it even closer to conformance.

- By authorizing incremental sign alterations, which require the applicant to bring the sign closer to conformance, the ZBA is achieving the long-term goal of bringing signs into compliance.

Staff Recommendation

Move to authorize the alteration of the subject pylon sign, as presented, with the following conditions:

- 1) Sign permits must be approved and issued prior to any alteration or business sign face changes; and
- 2) With an approved permit, each sign cabinet is allowed one sign face change for a new tenant.

Attachments:

1. Applicants Project Narrative
2. Applicant Drawings:
 - a. Existing Sign
 - b. Proposed Sign
 - c. Site plan
 - d. Line of Site Survey
 - e. Aerial View
3. Aerial Map
4. Applicable Ordinances

Request for Variance

We currently have a legal non-conforming sign located at 7909 Camp Bowie West. In an effort to bring new business to the shopping center we would like to change the copy on the sign panels to match the new tenants. As required by Benbrook Code we are requesting a variance to leave our pylon sign as it currently exists and allow us to make the necessary copy changes. It is 5 ft taller than current code permits and is approximately 10 ft closer to Camp Bowie. This sign still allows for good visibility and has been at its current location since 1969.

As part of the copy change, we would renovate the sign by repairing and repainting all defects in the current framework. We would also like to add a masonry planter to the base to improve the appeal of the sign and the shopping center. (See attached image)

Included with this packet is a "Line of Site" survey showing the need for the pylon sign. Our building sits well below the grade of Camp Bowie and is blocked by several obstacles as you travel Camp Bowie from either direction, making the property significantly less visible to vehicular traffic approaching the property from either direction. Keeping the pylon sign in its current configuration will continue to allow motorists to safely locate the building, will help us fill the vacant space, and bring new business to the City of Benbrook.

This sign was erected by Gibson's Department Stores back in the late 60's. It remains one of those few iconic signs from days gone by, much like the old Montgomery Ward sign in the Ft Worth 7th Street complex. Gibson's opened their first store in Abilene, Texas in 1960. Records show that our sign on Camp Bowie was installed in 1969. We would like to retain this iconic sign in its current shape and size with that famous red arrow on the side. Gibson's has a deep history in Texas and only has two remaining stores in operation. One in Weatherford, Tx and the other in Kerrville. We would ask you to help us keep this little bit of history here in Benbrook.

As an option to bring the sign more into conformity we would be willing to remove the arrow on the side, remove the bottom electronic LED reader sign, and install a replacement sign canister for the LED can that would fit within the two supporting poles. That change would reduce the sign faces by almost 40%, bringing it much closer to meeting the current allowable size. Currently the sign is calculated at 492 sq ft. The new calculation would be 310 sq ft. If we made this change we would like to have permission to continue using the sign in it's new reduced size and change copy as needed for new or changing tenants indefinitely as long as the sign is in good repair. We would also like to be able to maintain the sign by repainting or refreshing any copy that may already be on the sign.

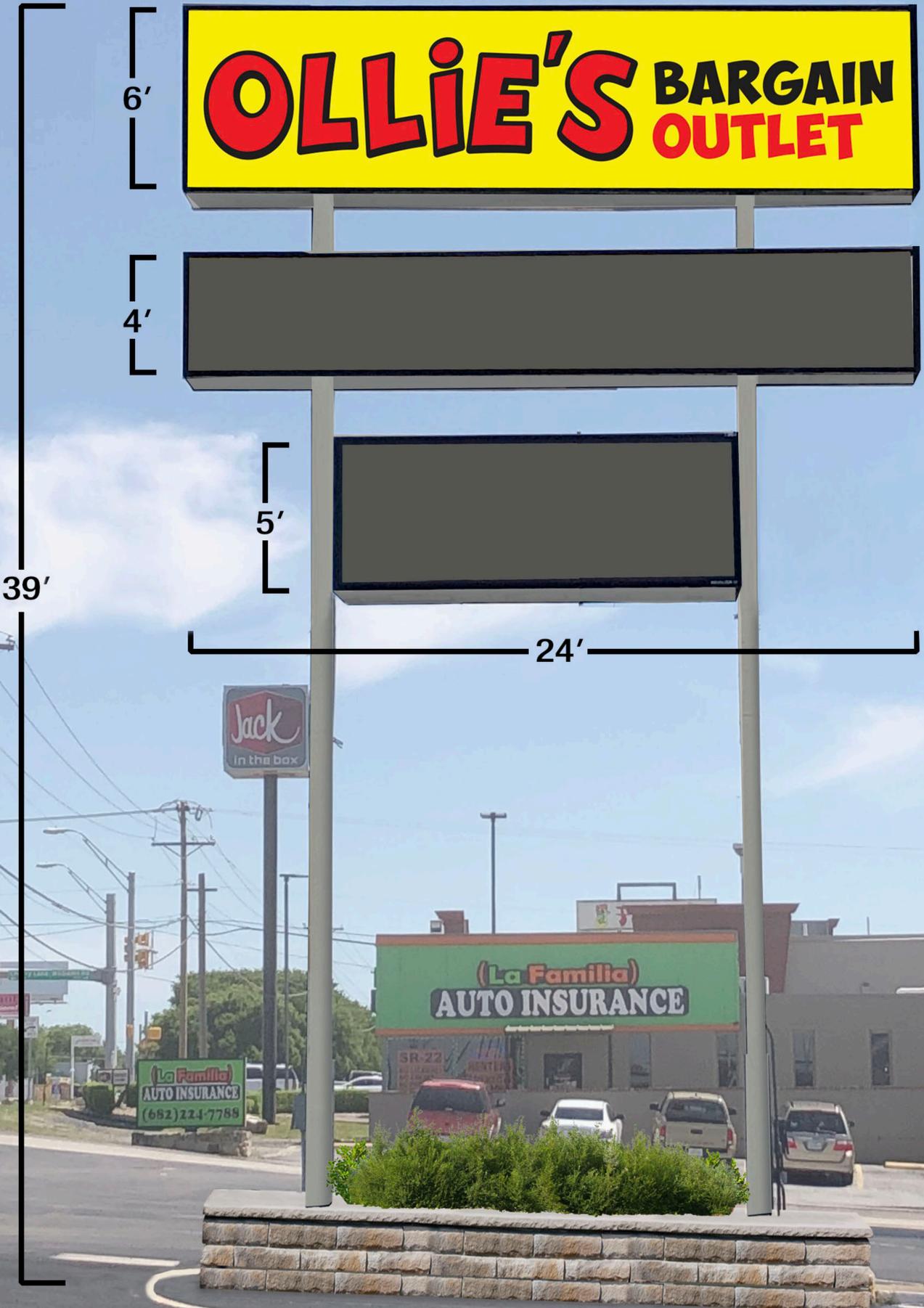


Jack
In the box

(La Familia)
AUTO INSURANCE

(La Familia)
AUTO INSURANCE
(682) 224-7788





**OLLIE'S BARGAIN
OUTLET**

[Redacted sign]

[Redacted sign]

Jack
In the box

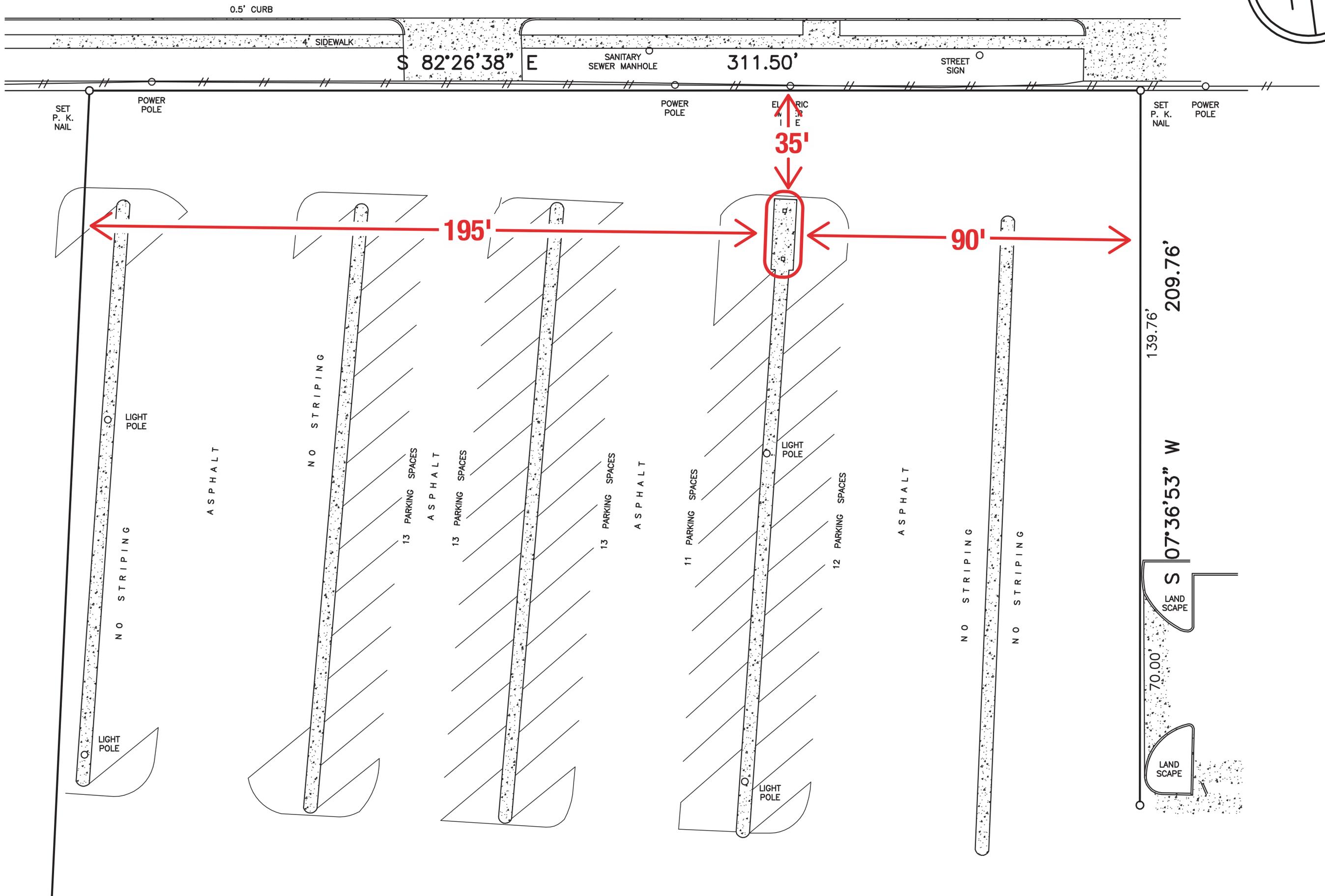
(La Familia)
AUTO INSURANCE

(La Familia)
AUTO INSURANCE
(682) 224-7788



CAMP BOWIE WEST BOULEVARD

(126' R/W)



Sutherlands

7909 Camp Bowie W. Blvd.



Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Sutherlands Pylon Sign

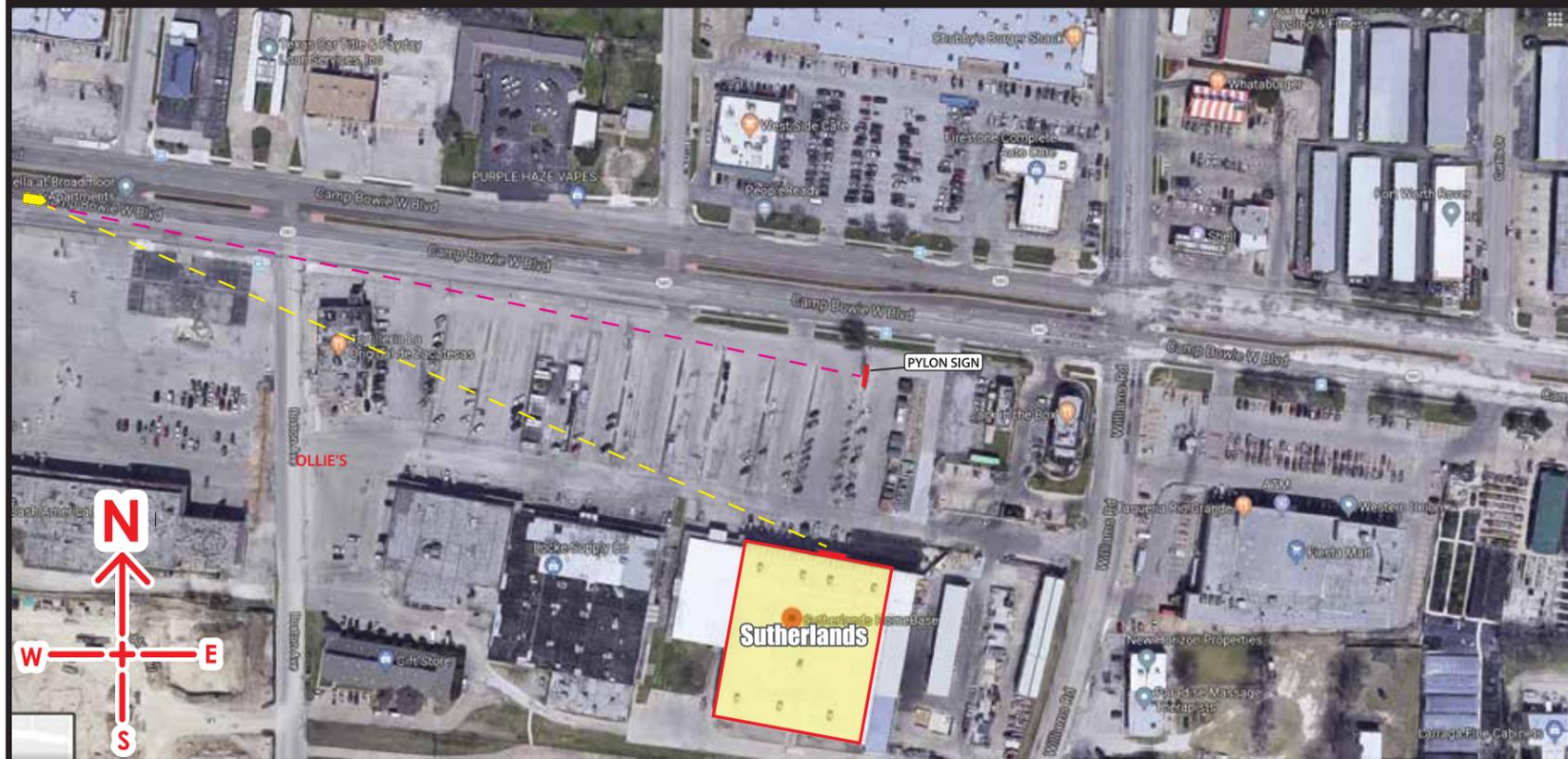
Outparcel strip center blocking Sutherlands

PLANET FITNESS West end of center

Broadmoor Dr



Traveling East on Camp Bowie Blvd



- * Building set back approximately 310' from Camp Bowie
- * Building elevation is approximately 15' downhill from road

Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Sutherlands Pylon Sign

Sutherlands building

Outparcel strip center

Boston Ave



Traveling East on Camp Bowie Blvd



- * Building set back approximately 310' from Camp Bowie
- * Building elevation is approximately 15' downhill from road

Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Sutherlands Pylon Sign

Sutherlands building

Karen St



Traveling East on Camp Bowie Blvd



- * Building set back approximately 310' from Camp Bowie
- * Building elevation is approximately 15' downhill from road

Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Sutherlands Pylon Sign

Sutherlands building out of peripheral view

Karen St



Traveling East on Camp Bowie Blvd



- * Building set back approximately 310' from Camp Bowie
- * Building elevation is approximately 15' downhill from road

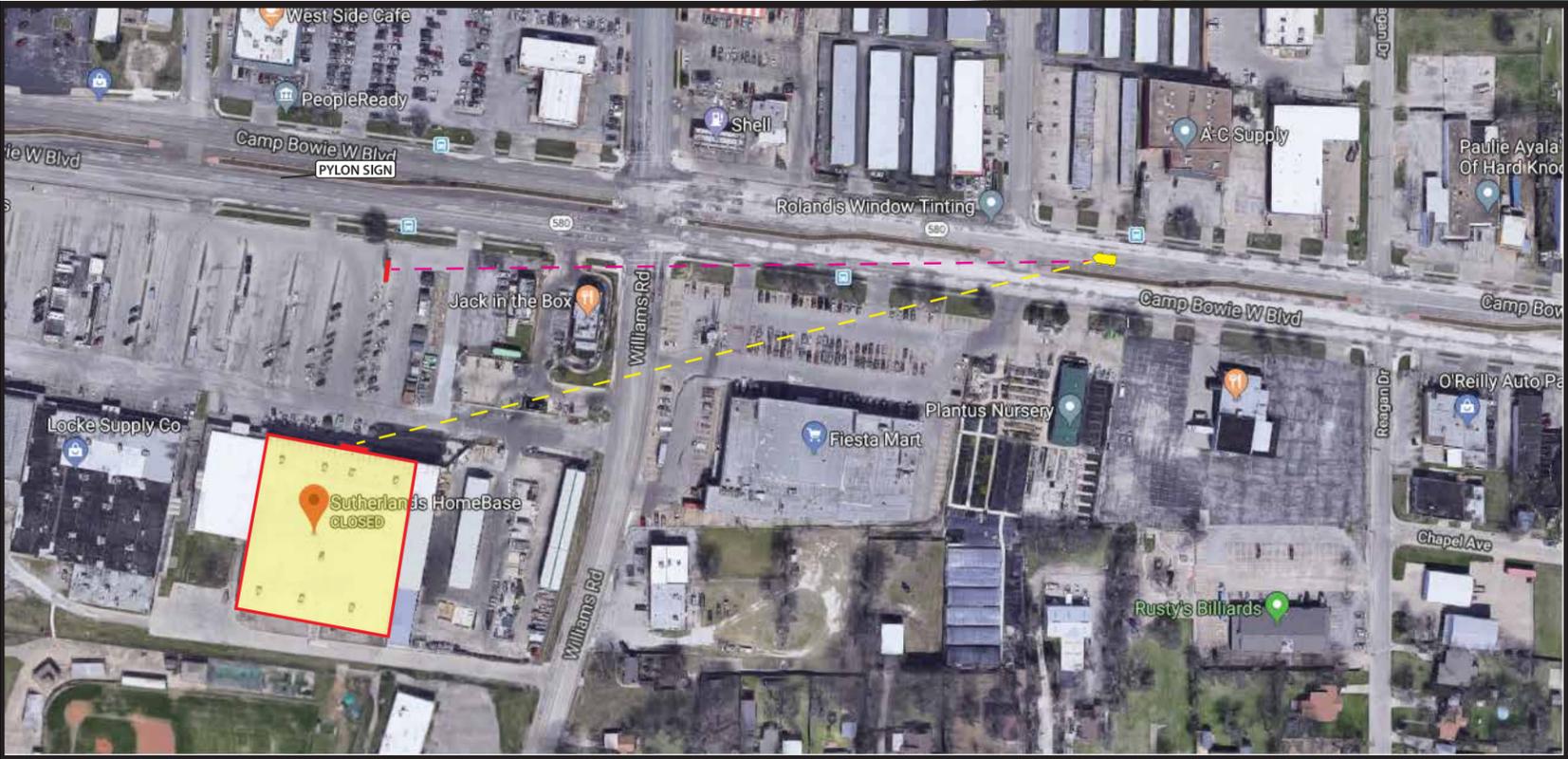
Sutherlands shopping center

7909 Camp Bowie W. Blvd.

Curtis Dr



Traveling West on Camp Bowie Blvd



- * Building set back approximately 310' from Camp Bowie
- * Building elevation is approximately 15' downhill from road

Sutherlands shopping center

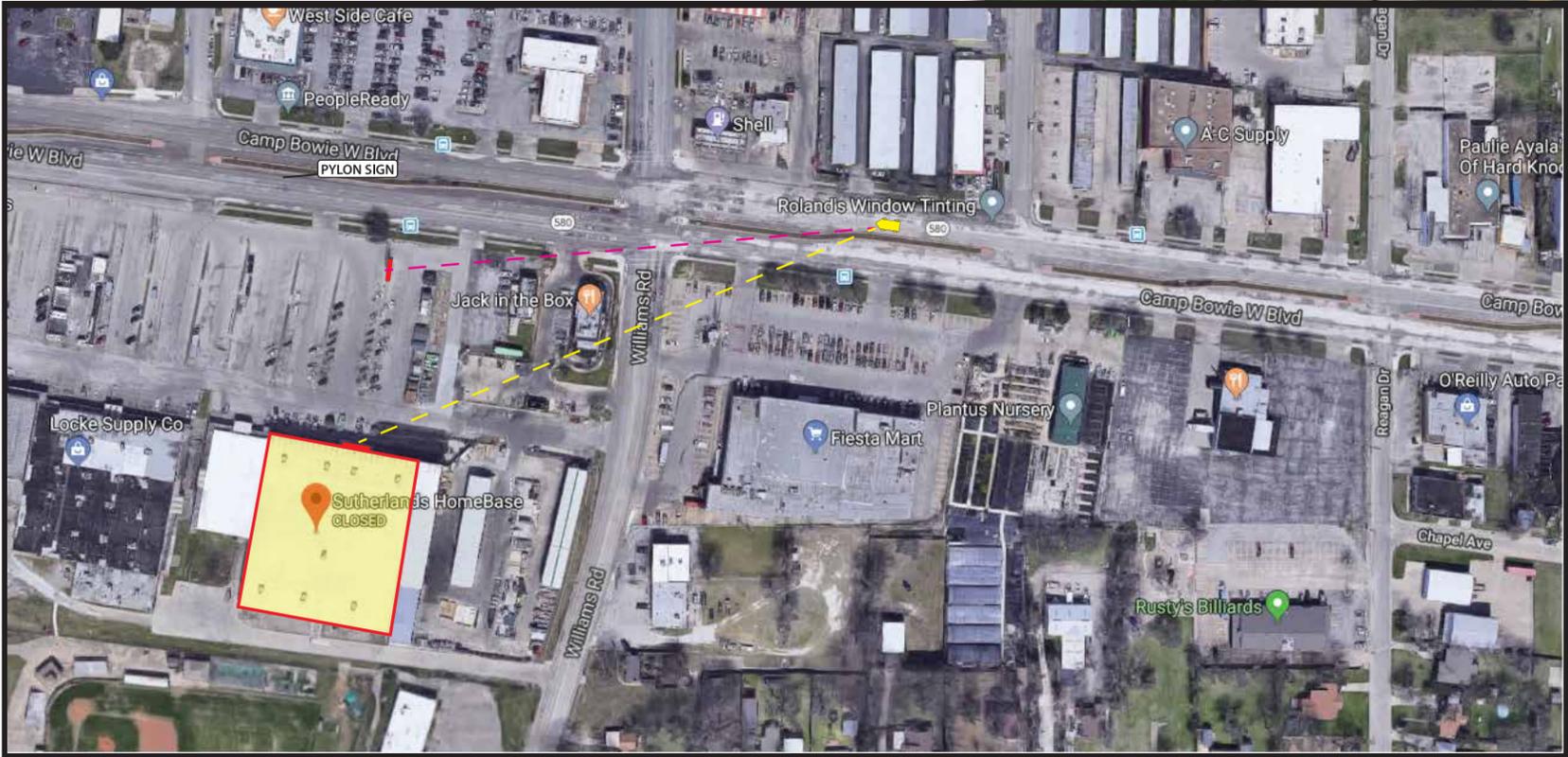
7909 Camp Bowie W. Blvd.

Sutherlands building set back 310' off road and blocked by Jack In The Box

Sutherlands Pylon Sign



Traveling West on Camp Bowie Blvd



- * Building set back approximately 310' from Camp Bowie
- * Building elevation is approximately 15' downhill from road

Sutherlands shopping center

7909 Camp Bowie W. Blvd.

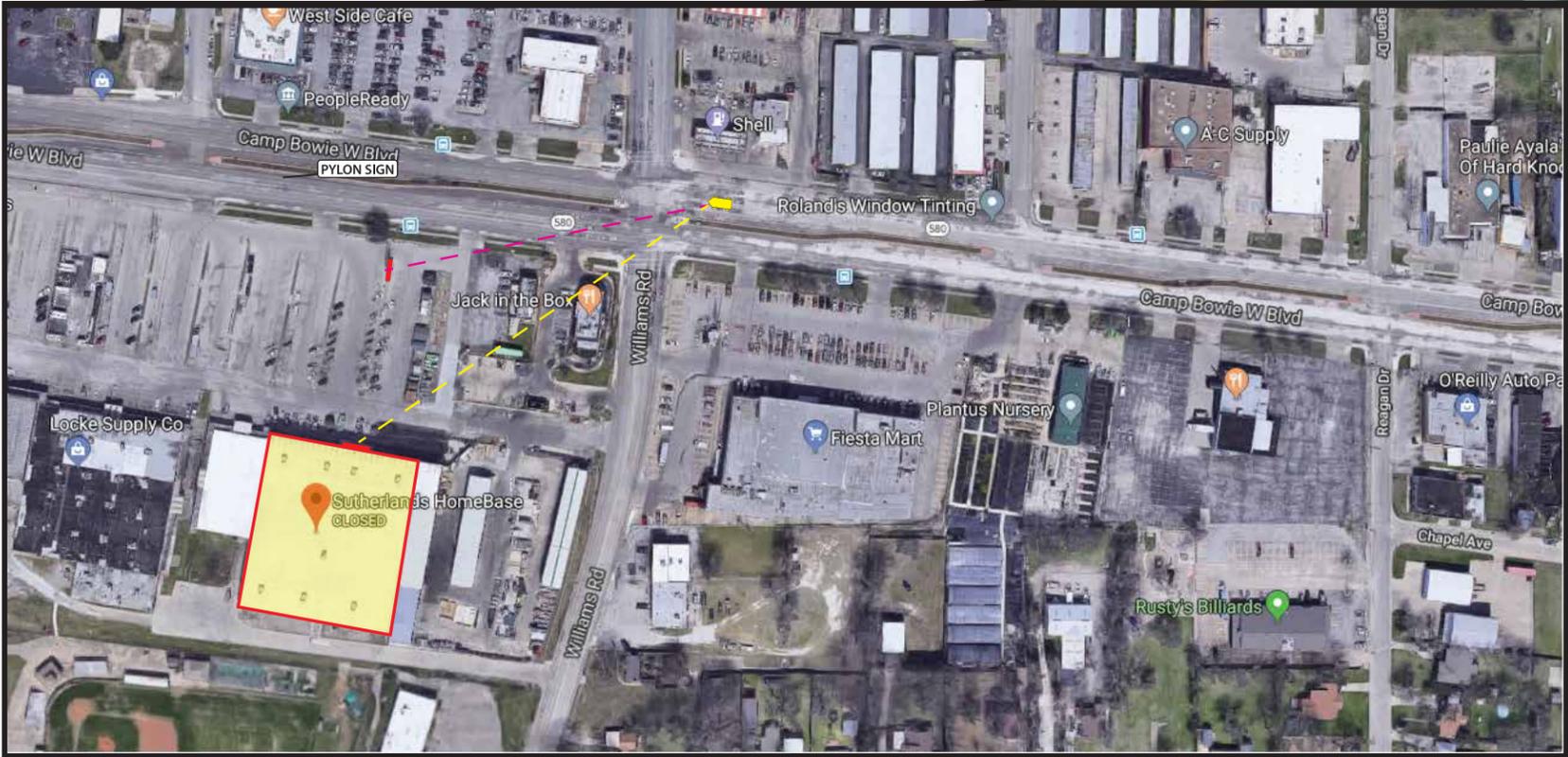
Sutherlands building

Sutherlands Pylon Sign

Williams Rd



Traveling West on Camp Bowie Blvd



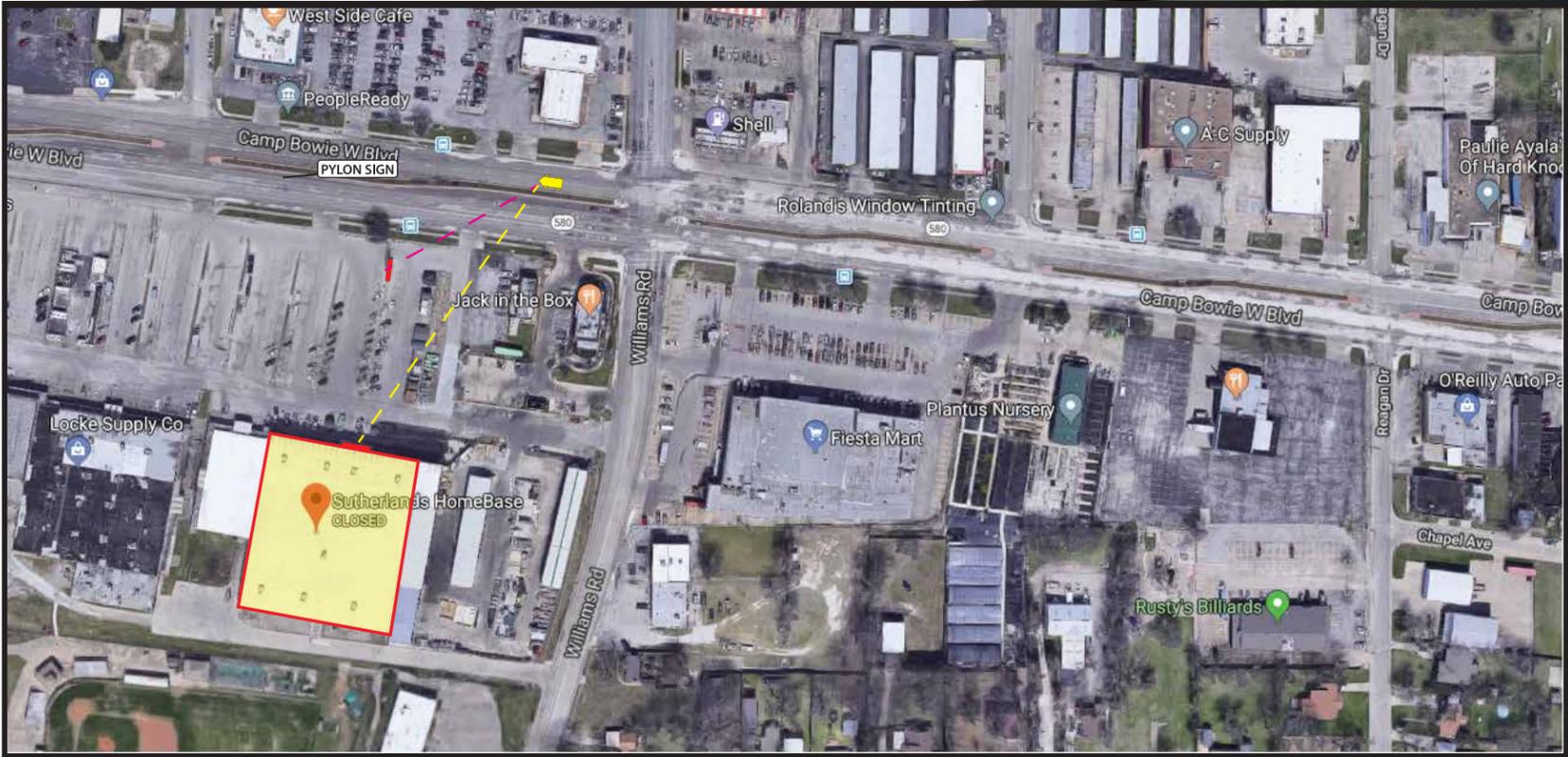
- * Building set back approximately 310' from Camp Bowie
- * Building elevation is approximately 15' downhill from road

Sutherlands shopping center

7909 Camp Bowie W. Blvd.



Traveling West on Camp Bowie Blvd



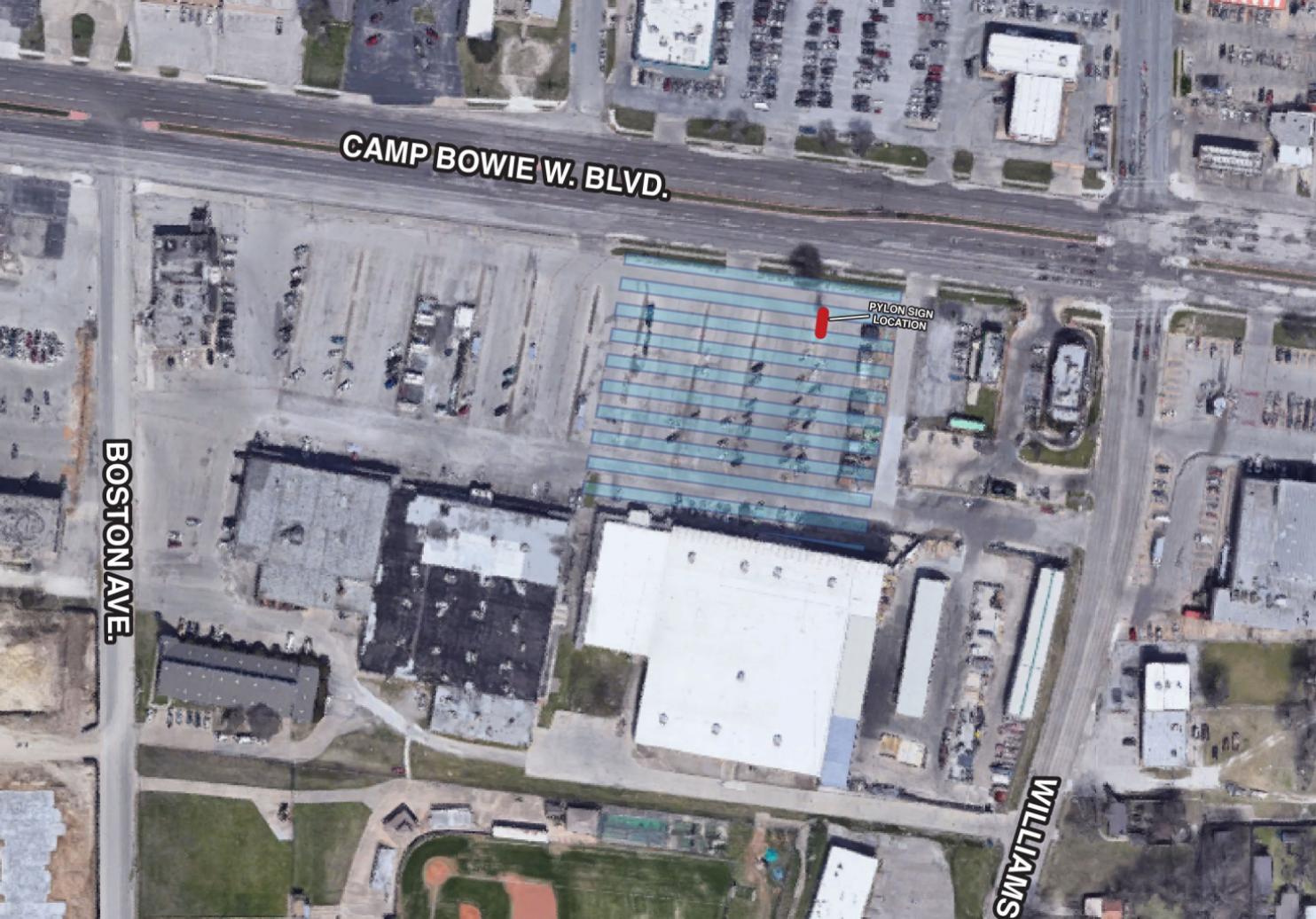
- * Building set back approximately 310' from Camp Bowie
- * Building elevation is approximately 15' downhill from road

CAMP BOWIE W. BLVD.

**PYLON SIGN
LOCATION**

BOSTON AVE.

WILLIAMS



AERIAL MAP

N



CITY OF FORT WORTH

CITY OF BENBROOK

ZBA-19-02 - Request to Alter a Non-Conforming Sign

Location:
7909 Camp Bowie W Blvd

Applicable Ordinances

17.100.100 [Non-conforming] Signs

The lawful location and maintenance of commercial signboards and billboards existing at the time of passage of this Ordinance may be continued, although such use does not conform with the provision hereof, provided, however, that no alterations are made thereto and provided, however, any sign installed and in use prior to the enactment of this Ordinance will not be restricted by the Ordinance so long as its location, height, basic construction, message and other significant characteristics remain unchanged. Any sign in any zoning district which is rebuilt, relocated, modified, enlarged, extended, altered other than by normal maintenance to the configuration existing at the time of enactment of this Ordinance shall be regulated by this Ordinance.

17.08.020 - Definitions

“Sign, non-conforming” means any sign that was lawfully constructed and maintained prior to the effective date of [Title 17 – Zoning of the City of Benbrook] and which does not conform to the requirements of [Title 17].

“Sign alteration” means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

17.92.030. K.2 – Administrative procedures [Sign Ordinance]

The [Zoning Board of Adjustment] shall have the following powers:

2. To authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the board, increase the degree of nonconformity of the sign and that the long-term goal of bringing signs into compliance is achieved.



City of Benbrook

Appeals Commission

DATE: 06/25/2019	REFERENCE NUMBER: AC-19-01	SUBJECT: Consideration of staff's recommendation to demolish all structures located at 1023 Bryant Street and is legally described as Lot 8, 3-A, Block 32, Benbrook Lakeside Addition. The property is zoned "B" One-Family District. [PUBLIC HEARING]	PAGE: 1 of 3
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Project Name: Demolition of structures 1023 Bryant

Request Type: Recommendation by staff to demolish all structures

Site Description: 0.39 acres or 16,875sqft
Lot 8-3A, Block 32, Benbrook Lakeside Addition

Location: 1023 Bryant Street

Zoning District: "B" One-Family District

Property Owner: Elisha Lane
1023 Bryant Street

Applicant Ryan Studdard, Chief Building Official
City of Benbrook, TX

Background

On April 10, 2018, a fire damaged the home located at 1023 Bryant St. The home sustained significant structural damage, including the loss of the attic, roof and roof framing members.

Throughout the rest of 2018, Izzy Rivera, the former Benbrook Chief Building Official, worked with the Elisha Lane, property owner, to gain property compliance. However, due to a lack of progress, the City formally notified Ms. Lane in writing on January 14, 2019 of the substandard property condition and necessary corrective action. On February 6, 2019, the City received a letter from Sharon Fulgham, Attorney at Law, representing Ms. Lane requesting an extension to March 15, 2019 to bring the property into compliance, which the City granted.

On April 10, 2019, Ryan Studdard, present Benbrook Chief Building Official, notified Ms. Lane that the March 2019 deadline had come and passed without property compliance. To provide the homeowner every opportunity to gain compliance, the City granted Ms. Lane an additional 30-day extension. Unfortunately, the 30-day extension lapsed with no progress made. On June 13, 2019, notice of the public hearing was mailed and emailed to the property owner and listed mortgage company, notifying them of the June 25, 2019 public hearing and staff recommendation of demolition of the substandard structure.

Staff Analysis

Per Sec. 15.44.060 E. Burden of Proof. At the public hearing, the owner, lienholder or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this chapter and the time it will take to reasonably perform the work.

DATE: 06/25/2019	REFERENCE NUMBER: AC-19-01	SUBJECT: Consideration of staff's recommendation to demolish all structures located at 1023 Bryant Street and is legally described as Lot 8-3A, Block 32, Benbrook Lakeside Addition. The property is zoned "B" One-Family District. [PUBLIC HEARING]	PAGE: 2 of 3
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Per Sec. 15.44.060 F Conduct of Public Hearing. At the public hearing, the owner of the building, and all other interested persons may make their appearance and be heard. Any evidence may be received and considered by the commission. The chairman of the commission, or in his or her absence, any officer designated by rules adopted by the commission to preside at meetings, shall preside and shall determine all questions of order. The hearing may be adjourned from day to day or continued upon a majority vote of the commission.

15.44.070 - Order of appeals commission.

A. Findings of the Commission. If the commission, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in Section 15.44.040, the commission may order that the building be repaired, vacated, removed or demolished, secured, or the occupants relocated, by the owner, mortgagee or lienholder within a reasonable time as provided in this chapter.

B. Time Allowed to Complete Work.

1. The order must require the owner, lienholder or mortgagee of the building to within thirty days;
 - a. Secure the building from unauthorized entry; and/or
 - b. Repair, remove or demolish the building unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within thirty days.
2. If the commission allows the owner, lienholder or mortgagee more than thirty days to repair, remove or demolish the building, the commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the commission.
3. The commission may not allow the owner, lienholder or mortgagee more than ninety days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:
 - a. Submits a detailed plan and time schedule for the work at the hearing; and
 - b. Establishes at the hearing that the work cannot be reasonably completed within ninety days because of the scope and complexity of the work.
4. If the commission allows the owner, lienholder or mortgagee more than ninety days to complete any part of the work required to repair, remove or demolish the building, the commission shall require the owner, lienholder or mortgagee to regularly submit progress reports to the building official to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the commission or the building official to demonstrate compliance with the time schedules.

C. Contents of Order. The order of the commission must contain at minimum:

1. An identification, which is not required to be a legal description, of the building and the property on which it is located; and
2. A brief description of the violation of minimum standards present in the building; and
3. A description of the ordered actions, including a statement that the owner may repair, if feasible, or demolish or remove at his option; and

DATE: 06/25/2019	REFERENCE NUMBER: AC-19-01	SUBJECT: Consideration of staff's recommendation to demolish all structures located at 1023 Bryant Street and is legally described as Lot 8-3A, Block 32, Benbrook Lakeside Addition. The property is zoned "B" One-Family District. [PUBLIC HEARING]	PAGE: 3 of 3
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4. A statement that the city will vacate, secure, remove or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allowed, and charge the cost to the property; and
5. If the commission has determined that the building will endanger persons or property, or if the building is a dwelling with ten or fewer dwelling units, a statement that the city may repair the building and charge the costs to the property if the ordered action is not taken within the time allowed.

Due to the fire on April 10, 2018 at 1023 Bryant St., the property is in violation of City Ordinance Chapter 15.44 for a Substandard Structure. Presently, a majority of the roof and structural framing members are missing or compromised. Staff finds that, per Sec. 15.44.040 Substandard Buildings Declared, this building is not habitable and is a public blight. Its current condition has caused complaints from surrounding residents concerning the look and condition. Structures in this condition not only are unsightly and unsafe, but they also tend to be a target for vagrant and criminal activity.

Staff Recommendation

Move to order that the attached Order of the Appeals Commission be implemented.

Attachments:

1. Pictures
2. Title Search
3. Order of the Appeals Commission







~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
UNSAFE
To Enter
This is My home
Stop Violating
Me + My child

1023

OWNERSHIP & MONETARY ENCUMBRANCE REPORT

Issued to:
Your File No.:
Our Ref No.: **TITLE SEARCH**
Start Date:

Certification Date: **05/06/2019**

We have searched the real property records which impart constructive notice of Tarrant County, Texas, with respect to the following land:

Lot 8, Tract 3-A, Block 32, BENBROOK LAKESIDE ADDITION, an Addition to the City of Benbrook, Tarrant County, Texas, according to the plat recorded in Volume 388-P, Page 48, Plat Records, Tarrant County, Texas.

As of the date and time of issuance of this report, the last document purporting to convey the fee title to said land is:

Conveyed to: ELISHA C. LANE
Instrument: Warranty Deed with Vendor's Lien
Recorded: filed 07/07/2017, in cc# D217154511, Real Property Records, Johnson County, Texas

The outstanding mortgages or outstanding statutory monetary liens purporting to affect said land from the date of filing of the above deed are:

Vendor's Lien retained in the following Deed securing the payment of one note in the principal amount shown below, and any other obligation secured thereby:

Dated: July 6, 2017
Grantor: Robert B. Wallace and spouse, Bria Larson a/k/a Bria Larson Wallace
Grantee: Elisha C. Lane
Note Amount: \$153,850.00
Payable to: Mortgage Electronic Registration Systems, Inc. ("MERS") solely as nominee for lender, Angel Oak Mortgage Solutions, LLC
Recording Date: July 7, 2017
Recording No.: cc# D217154511, Real Property Records, Tarrant County, Texas

Additionally secured by Deed of Trust of even date therewith as set forth below, and subject to all of the terms, conditions, and stipulations contained therein including but not limited to any future indebtedness also secured by this lien:

To: Thomas E. Black, Jr., Trustee
Loan No.:
Recording Date: July 7, 2017
Recording No.: cc# D217154512, Real Property Records, Tarrant County, Texas

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein and may not be given to or used by any third party. **McKnight Title**, (hereinafter called "Title Company") assumes no liability whatsoever for the accuracy of this report, nor for any omission or error with respect hereto. YOU AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TITLE COMPANY BECAUSE OF ANY NEGLIGENCE BY TITLE COMPANY (WHETHER SOLE, JOINT OR OTHERWISE) FOR ANY CLAIM, LOSS, LIABILITY OR DAMAGES ARISING OUT OF THIS REPORT. This report is not title insurance. If a

policy of title insurance is purchased, any liability there under shall be determined solely by the terms of such policy.

STATE OF TEXAS)
COUNTY OF TARRANT)(

**ORDER OF THE APPEALS COMMISSION OF THE CITY OF BENBROOK, TEXAS,
CONCERNING A SUBSTANDARD BUILDING AT 1023 BRYANT STREET, BENBROOK, TEXAS**

ORDER

WHEREAS, Chapter 15.44 of the Municipal Code of the City of Benbrook provides a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the Building Code, Chapter 214 of the Local Government Code, or otherwise available at law, whereby buildings and other improvements, that from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required by the City to be repaired, vacated, demolished, removed or secured; and

WHEREAS, the Building Official of the City of Benbrook, after inspection, has commenced proceedings pursuant to Chapter 15.44 to cause the repair, removal, demolition or all structures, at 1023 Bryant Street, Benbrook, Texas, that he has determined to be dangerous and substandard, and

WHEREAS, on June 25, 2019 at 7:30 p.m., the Appeals Commission held a public hearing at the Benbrook City Hall, 911 Winscott Road, Benbrook, Texas, concerning whether such improvements are dangerous and/or substandard and should be repaired or demolished; and

WHEREAS, The City has used its best efforts to determine the identities and addresses of the owner(s), mortgagees and lien holders of the improvements through public records and other sources reasonably available to the City; and

WHEREAS, evidence introduced at the hearing shows that the record owner(s) of the improvements is/are: Elisha C. Lane; the mortgagees are: Angel Oak Mortgage Solutions, LLC; the lien holders are: none; and

WHEREAS, notice of the hearing was mailed by the Building Official to the record owner(s) of the improvements and to all mortgagees and lien holders; and

NOW, THEREFORE, the Appeals Commission hereby enters the following Order:

1. The recitals contained in the preamble of this Order are hereby approved and are found to be true and correct. Based on the evidence presented at the public hearing, the Commission finds that the property located at 1023 Bryant Street, Benbrook, Texas, and legally described as Lot 8, 3-A, Block 32, Benbrook Lakeside Addition, is in violation of Section 15.44.040 Subsection (A), Any building that is dilapidated, substandard or unfit for human habitation and a hazard to the health, safety and welfare; Subsection (B), Any building that regardless of its structural condition, is unoccupied by its owners, lessees or invitees and is unsecured from unauthorized entry 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; Subsection (G), “Whenever any portion of the building is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location, it shall be deemed substandard;

2. The above-named owner(s), mortgagee and/or lien holders of the improvements shall, within thirty (30) days from the date of this Order obtain the proper permits and complete the repair, remove, or demolition of all structures at 1023 Bryant Street.

3. In accordance with Section 15.44.080 of the Municipal Code of the City of Benbrook, the Building Official shall, within 10 days from the date of this order:

(a) mail copies of this Order, by certified mail, return receipt requested, to the record owner(s) of the improvements, and each identified lien holder and mortgagees of the improvements; and

(b) file a copy of this Order with the City Secretary; and

(c) publish a notice concerning this Order in a newspaper of general circulation.

4. If the improvements are not repaired, removed, or demolished within the time specified in 30 days of this Order, the City of Benbrook will remove or demolish the improvements at the City's expense.

5. The cost of any repair or demolition work, or securing of the improvements, that are performed by the City of Benbrook, or is paid for by the City, shall be recovered by the City in the manner provided for in Chapter 15.44 of the Municipal Code of the City of Benbrook.

Signed and entered this _____ day of _____, 2019.

APPEALS COMMISSION OF THE CITY OF BENBROOK, TEXAS.

Chairperson

City Secretary