



Development Services
P.O. Box 369 (Mailing)
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Johnson City, Texas 78636
(830) 868-7111, Ext. 4
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Application Date: 3-16-22

ZONING AMENDMENT APPLICATION CHAPTER 14

NAME OF APPLICANT: Paul Regnier

MAILING ADDRESS: 219 Fairland Loop Marble Falls Tx 78654

PHONE NUMBER: 512-265-4019

STATUS OF APPLICANT:

OWNER: _____ AGENT: (IF AGENT, ATTACH LETTER OF AUTHORIZATION.)

PROPERTY DESCRIPTION

PHYSICAL ADDRESS: 315 N. Winters Furr

LEGAL DESCRIPTION: Lot 4, Acres 1.01, N. Lamar Square Subdivision

CURRENT ZONING: residential PROPOSED ZONING: residential elder care
Single Family Residential Conditional Use Permit

DEED RESTRICTIONS PROHIBITING PROPOSED ZONING: _____ Home for the Aged, Residential

EXISTING USE: residence PROPOSED USE: residential elder care for 1 client

LAND AREA: 1.01 acres DOES OWNER OWN ADJACENT PROPERTIES? YES _____ NO

PURPOSE OF REQUEST: to care for 1 client in my home with meals, laundry - ect. for 1-2 clients.

I hereby certify that I have read and examined this application and know the information I have provided to be true and correct. All provision of laws and ordinances governing this application will be complied with, whether specified herein or not. The granting of this zoning amendment or change does not presume to give authority to violate or cancel the provisions of any other local law regulating the use of the property.

Applicant's Signature Paul Regnier

Date 3-16-22

Office Use Only:

Received 3/16/22 w/ Check No. 1446
in amount of \$ 378.-

[Signature]

3/16/2022

Zoning Amendment Application, Letter of
Authorization

I Mark Barge do authorize Paul Regnier to perform the requested elder care in my home, located at 315 North Winters Furr, in Johnson City, Tx. I am the owner of the home, due to the recent passing of my mother, and the proper transfer upon death deed, with the County Clerks office, prior to her death.

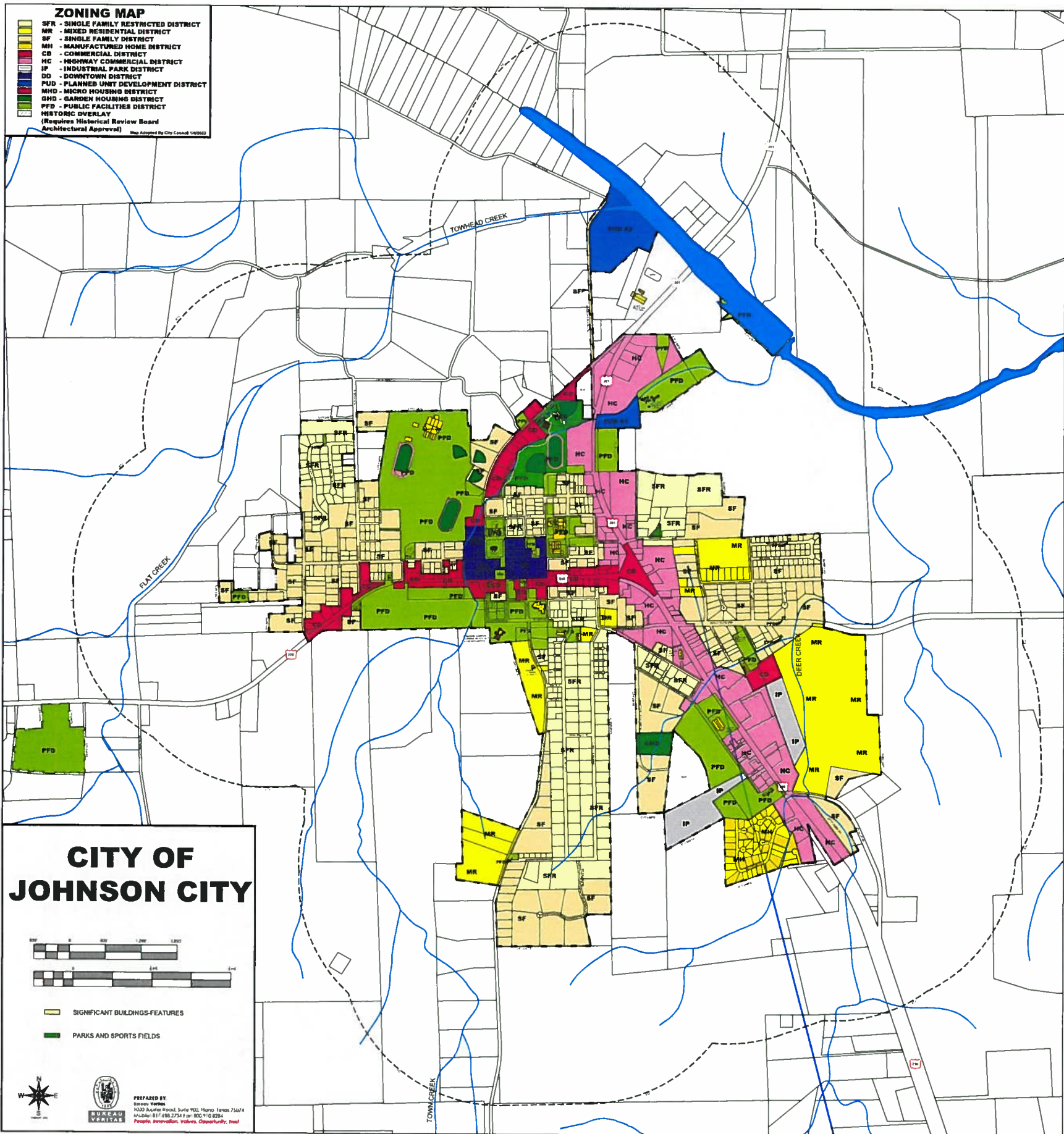
I can be reached by mail @ 219 Fairland Loop Marble Falls, Tx, 78654 or email: markscarcare@yahoo.com if further information is needed.



Mark Barge

ZONING MAP

- SFR - SINGLE FAMILY RESTRICTED DISTRICT
- MR - MIXED RESIDENTIAL DISTRICT
- SF - SINGLE FAMILY DISTRICT
- MH - MANUFACTURED HOME DISTRICT
- CB - COMMERCIAL DISTRICT
- HC - HIGHWAY COMMERCIAL DISTRICT
- IP - INDUSTRIAL PARK DISTRICT
- DD - DOWNTOWN DISTRICT
- PUD - PLANNED UNIT DEVELOPMENT DISTRICT
- MHD - MICRO HOUSING DISTRICT
- GHD - GARDEN HOUSING DISTRICT
- PFD - PUBLIC FACILITIES DISTRICT
- HISTORIC OVERLAY
(Requires Historical Review Board
Architectural Approval)



CITY OF JOHNSON CITY



- SIGNIFICANT BUILDINGS-FEATURES
- PARKS AND SPORTS FIELDS



PREPARED BY
Steven Veritas
1032 Maple Road, Suite 102, Harris, Texas 77048
Arling: 817-486-2734 Fax: 800-910-8281
People. Innovation. Values. Opportunity. Profit.

Property location

From: Pat Salem
Sent: Wednesday, March 16, 2022 12:04 PM
To: Rick Schroder <rschroder@johnsoncitytx.org>
Subject: Re: 315 N. Winters Furr

Thank you Mr. Schroeder for your information. After reading all of it, it appears that the main thing we need to do is to apply for the conditional use permit, unless I have misunderstood something. Thank you for your time and Research into all of this. We will get the permit filled out and submitted as soon as possible. Thank you again, Pat Salem Barge

On Wed, Mar 16, 2022, 11:15 AM Rick Schroder <rschroder@johnsoncitytx.org> wrote:

Mrs. Salem,

I hope you are doing well. I have been able to research our Code of Ordinances and speak with Texas' Health and Human Services regarding this request. I offer the following:

1. Zoning Code

- a. 315 N. Winters Furr is zoned Single Family Residential. Consequently, any proposed use must be in conformance with those allowable uses contained within the Schedule of Uses (see below).
- b. Definitions.
 - i. *Assisted living facility* means an establishment that furnishes food and shelter to four or more persons who are unrelated to the proprietor and provides personal care services.
 1. N/a. It is my understanding from the emails below that you plan to have 3 or fewer residents and they will pay privately for said services, i.e. no Medicaid, Medicare, etc.
 - ii. Conditional use permit means a use which is not automatically permitted by right, but which may be permitted within a zoning district; subject to meeting specific conditions contained in this ordinance.
 1. Applicable. The closest use to your described use is "Home for the Aged, Residential". It requires a Conditional Use Permit, which is a zoning change. See below for additional information on process.
 - iii. Family means one or more persons related by blood, marriage or adoption occupying an individual dwelling unit. No single dwelling unit shall have more than four unrelated individuals residing therein.

1. Complies. It is my understanding from the emails below that you plan to have 3 or fewer residents, which are unrelated to the individuals residing therein.

iv. Nursing home means a home for the aged, chronically ill or incurable persons who are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or other similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

1. N/a. Nursing homes include "home for the aged"; however, so long as you have 2 or fewer persons not of the immediate family residing within the home, it would not be classified as a nursing home.

	SF	SFR	MR	MH	GHD	MHD	CD	HC	IP	PFD	DO
RESIDENTIAL											
Community or Group Home	C	C	C	C	C	C	C	C			

INSTITUTIONAL/ GOVERNMENT											
Assisted Living Facility			C				P	P		P	
Group Day-Care Home	C		P				P	P			P
Home for the Aged, Residential	C		C				P	P			
Hospice	C		C	C		C	P	P			C
Hospital (Acute Care, General)							P	P	P		
Nursing/Convalescent Home			P				P	P			

c. Conditional Use Permit

i. A conditional use permit requires submittal of the zoning amendment application below and payment of a fee of \$378.00. Notices

are sent out to property owners within 200', an ad published in the paper, and public hearings are held before the Planning and Zoning Commission and City Council. Council either approves or denies the conditional use permit request.

ii. <https://storage.googleapis.com/proudcity/johnsoncitytx/uploads/2022/01/Updated-Zoning-Amendment-Application.pdf>

2. TX Health and Human Services (HHS)

a. I spoke at length with HHS and they advised the following:

i. Providing room and board for 3 or fewer residents unrelated to the owner is not regulated by the HHS. However, if "personal care" is provided, as defined in Health and Safety Code Ch. 247, the HHS can technically regulate / license the activity.

ii. "Personal care" is defined as (A) assistance with feeding, dressing, moving, bathing, or other personal needs or maintenance; or (B) general supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in an assisted living facility or who needs assistance to manage the person's personal life, regardless of whether a guardian has been appointed for the person.

iii. That said, the HHS Policy Department stated that they do not actively enforce said code for anything less than 4 residents.

iv. The Policy Department wanted me to make it clear to you that, under no circumstances, should you violate the Health and Safety Code Ch. 247 above or HHS' regulations contained within Title 26, Ch. 553 Licensing Standards for Assisted Living Facilities. Moreover, you should not do anything that would require nursing certification / licensing under the Texas Nursing Practice Act.

The HHS Policy Department encourages you to contact them by telephone at 512.438.3161 if you have any additional questions.

Best,

Rick Schroder

From: Pat Salem
Sent: Monday, March 14, 2022 6:45 PM
To: Rick Schroder <rschroder@johnsoncitytx.org>
Subject: Re: 315 N. Winters Furr

Ok thankyou. Pat

On Mon, Mar 14, 2022, 4:36 PM Rick Schroder <rschroder@johnsoncitytx.org> wrote:

I have contacted the State Department of Health to determine if anything is required. I will advise once I receive something from them.

From: Pat Salem
Sent: Monday, March 14, 2022 4:08 PM
To: Rick Schroder <rschroder@johnsoncitytx.org>
Subject: Re: 315 N. Winters Furr

Any news Mr. Schroeder? I looked up in the zoning ordinances I didn't see anything prohibiting Paul from having someone live in the house with him. Or someone living in the house with him that needed assistance. Pat Salem barge my number is ---

From: Pat Salem
Sent: Thursday, March 10, 2022 12:33 PM
To: Rick Schroder <rschroder@johnsoncitytx.org>
Subject: Re: 315 N. Winters Furr

I meant to include in my last e mail that there is one Johnson City resident that is interested in putting his wife in the home. He is very unhappy with the care she is receiving in the nursing home. I have talked with Paul, and we feel one resident would be enough, and all that we would care for. Thankyou again, Pat Salem Barge

From: Pat Salem
Sent: Thursday, March 10, 2022 12:27 PM
To: Rick Schroder <rschroder@johnsoncitytx.org>
Subject: Re: 315 N. Winters Furr

Hello Mr Schroder, thankyou for contacting me, I am a retired RN, with 45 years experience, and I am aware of this situation. First let me share my son is a certified CNA, he has taken care of people for years, in nursing homes and also in private residential homes in Memphis Tn., that were owned by Linda Hornaday, she had clients in her personal home and also a home across the street from her that she owned. My husband, Mark Barge's mom, Pat Rumph lived at 315 N. Winters Furr untill last Thanksgiving, at which time she passed away. My son Paul lived there and took care of her the last several weeks of her life, for which we were very grateful, not to have to put her in a nursing home. Mark was amazed and thankful at the care

my son provided, along with cooking for her, doing laundry n cleaning. After her passing, my son has stayed at her residence, keeping it up, yard work ect...it was his desire to help another client in the same way, someone that didn't want to stay in a nursing home., as he is very caring and gifted for caring for the elderly. In looking up state laws, it was our understanding, that you can have 3 or less clients (like a roommate) reside in your personal residence and help them, without being licensed. Paul has already stated he would be willing to get licensed by the state if the city required that. Residential homes, (personal homes in a neighborhood) are common, they go by different names, "adult- in- home care", "adult care homes" ect...Paul has no desire to have more than one client, two at the very most. We have property insurance with high liability and also are prepared to purchase more liability insurance if required....I am also going to be involved in the care at times, sitting in if he has to go anywhere, and helping care for a female client. When my son mentioned Dean Myane, it was in the context of asking her about his idea (to care for someone else) months ago, when Mark's mom passed. She thought it was a nice idea for someone that didn't want to live in a nursing home, but we didn't talk further with her about it..I hope this helps you., we want to make sure we are abiding by the rules for Johnson City, we see this as a positive attribute for the city, in helping the elderly live in a peaceful residence, in a home. It also helps the family to know their loved one is being well taken care of, as with nursing homes being short staffed clients don't always get that type of care. Please don't hesitate to call me if you need any more information, or have any questions, my number is ---. Thankyou, Pat Salem Barge

On Thu, Mar 10, 2022, 11:28 AM Rick Schroder <rschroder@johnsoncitytx.org> wrote:

Ma'am –

I spoke with your son yesterday regarding his idea to house a patient within the home located at 315 N. Winters Furr. Can you please provide a synopsis of his plan so that I can review the plan in accordance with our Codes and State Law. Additionally, he stated that State Law authorizes his plan for a certain number of patients. Please advise.

Best,

Rick Schroder

Sec. 4-3. Conditional use permits.

Conditional use permits are authorized under the terms of this article to provide for certain uses which cannot be well adjusted to their environment in particular locations, with full protection offered to surrounding properties by the application of the underlying zoning district regulations. Further, conditional permit uses are those uses which, if not specially regulated, can have an undue impact on or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a conditional use permit by City Council, these uses may be allowed to be located or expanded within given designated zoning districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this ordinance.

(a) All applications for conditional use permits shall be reviewed using the following criteria:

(1) The proposed use shall be:

(A) In harmony with the adopted comprehensive plan;

(B) In harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and

(C) In harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.

(2) The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.

(3) The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

(4) The proposed use shall be designated, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

(b) In granting any conditional use permit, the City Council may impose any conditions necessary to assure that the proposed use will conform to the requirements of this section and will continue to do so. The City Council may take all necessary actions to ensure compliance with the conditions imposed.

(1) The City Council may impose reasonable standards as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:

(A) More restrictive sign standards.

(B) Additional open space, landscaping or screening requirements.

(C) Additional yard requirements.

(D) Special lighting requirements.

(E) Time limitations on hours of operation.

(F) Additional off-street parking and loading requirements.

(G) Additional utility, drainage and public facility requirements.

(H) Additional right-of-way and public access requirements.

(I) Additional requirements to ensure compatibility with the comprehensive plan.

(J) Conditions for renewal, extension, expiration and/or revocation of the conditional use permit.

(2) The City Council may specify time limits or expiration dates for a conditional use permit, including provisions for periodic review and renewal.

(c) Application requirements for a conditional use permit are as follows:

(1) An application for a conditional use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the zoning administrator, and shall be accompanied by the filing fee.

(2) If the request for a conditional use permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within one year of the date of denial.

(3) The application shall include the following information:

(A) A description of the proposed use and, where applicable, the hours of operation and the proposed

number of employees/patrons.

(B) A written statement of the proposed use's compatibility with the following:

(i) The comprehensive plan.

(ii) The applicable zoning district.

(iii) The surrounding properties.

(iv) Current and future neighborhood conditions.

(v) Pedestrian and vehicular traffic patterns, on-site and off-site.

(vi) Adequate public facilities.

(vii) When requested by the zoning administrator, the Planning and Zoning Commission or the City Council, the following information shall be provided by the applicant:

(a) The architectural elevations and floor plans of proposed building(s).

(b) Parking and site circulation analysis.

(c) Photographs of the property and surrounding area.

(d) Action by the Planning and Zoning Commission and City Council is as follows:

(1) No conditional use permit shall be approved unless the proposal has been reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall conduct at least one public hearing in accordance with this article. Following the public hearing, the Planning and Zoning Commission shall prepare, and by motion adopt, its recommendations, which may include changes in the applicant's original proposal resulting from the hearing, and shall report such recommendations, together with any explanatory material, to the City Council.

(2) Before approving a conditional use permit, the City Council shall hold at least one public hearing in accordance with this article after which the City Council may make appropriate changes to or impose appropriate conditions upon the proposed conditional use. Nothing herein shall preclude the City Council from holding a joint public hearing with the Planning and Zoning Commission.

(3) A concurring vote of a majority of the members of City Council shall be required to approve a conditional use permit.

(e) Extension, renewal, expiration, revocation:

(1) Extension.

(A) An extension shall be for the purpose of administratively extending timeframes established by the City Council for the implementation and/or completion of certain improvements which were stipulated as a condition of original conditional use permit approval. A request for extension may be initiated by the property owner.

(B) Upon initiation of property owner's request for extension, or upon any other initiative, the zoning administrator shall inspect the conditional use permit, review the record of compliance with those conditions and restrictions previously imposed by the City Council, and make a determination on whether the conditional use permit satisfies other conditions of approval and the provisions of this ordinance.

(C) Upon a favorable finding, the zoning administrator shall approve an extension of the original conditional use permit for a period of time not to exceed one year or for such timeframe as may have been otherwise specified for future extension by the City Council at the time of approval of the original conditional use permit.

(D) If it is determined that the use is not in compliance with all conditions and restrictions previously imposed by the City Council, the zoning administrator shall, depending on the nature of the noncompliance, either deny the extension or require the remedy of any violation within a specified time. If the extension is denied or the property owner fails to correct the violation within the time specified, the conditional use permit shall expire. The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.

(2) Renewal.

(A) A renewal shall be for the purpose of allowing a new period of time for the operation of a currently

valid conditional use permit; provided, however, that the City Council shall not approve a renewal application for a use which is no longer allowed as a conditional use permit in the zoning district in which the conditional use permit is located.

(B) The procedure for the renewal of a conditional use permit shall be the same as specified herein for the approval of the original permit, except that the zoning administrator may waive any submission requirement if such requirement is deemed not necessary for an adequate review of the application.

(C) The City Council shall review the applicant's record of compliance with those conditions and restrictions previously imposed and determine if the use still satisfies the provisions of this ordinance.

(D) Any conditional use permit that is not renewed prior to the established time shall expire without notice and become null and void.

(3) Expiration.

(A) Whenever a conditional use permit is approved by the City Council, the conditional use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the City Council may have specified, or, if no such time has been specified, then within two years from the approval date of such permit.

(B) If the conditional use or construction has not commenced in accordance with the above provisions, then the conditional use permit shall automatically expire without notice and become null and void.

(4) Revocation.

(A) Unless a time limit is specified for a conditional use permit, the same shall be valid for an indefinite period of time, except that if the use or activity should cease for any reason for a continuous period of two years or more, the conditional use permit shall automatically terminate without notice and become null and void.

(B) The approval of a new conditional use permit shall be required prior to any subsequent reinstatement of the use.

(C) A conditional use permit shall be revocable upon written order of the City Council at any time because of the failure of the owner or operator of the use covered by the permit to observe all requirements with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were imposed in issuing the same. A revoked permit shall become null and void.