



CITY COUNCIL COMMUNICATION

May 26, 2009

SUBJECT: Hold Public Hearing and Consider an Appeal by Sam Kroll/Primary Purpose Homes

SUBMITTED BY: Gary McKamie, City Manager

REFERENCE NO:

ACTION REQUESTED:

Hold a Public Hearing and consider an Appeal by Sam Kroll/Primary Purpose Homes of the City Manager's April 17, 2009, decision to grant conditional approval of a Reasonable Accommodation for the use of a single family home located at 1311 Oak Timber Drive pursuant to Ordinance No. 1833.

ALTERNATIVES:

- Staff Recommendation: Sustain the City Manager's Decision
- Reverse the City Manager's Decision
- Modify the City Manager's Decision
- A Simple Majority is Required to Carry a Motion

SUMMARY OF SUBJECT:

Mr. Sam Kroll is the owner of the single family home located at 1311 Oak Timber in Euless. Mr. Kroll resides in California and utilizes the Oak Timber home as a "sober house" under the name of Primary Purpose Homes to house recovering alcoholics and substance abusers. Mr. Kroll is represented by Mr. Steven Polin, a Washington D.C. attorney. Mr. Polin asserts that the use of 1311 Oak Timber is not a residential care facility, rooming or boarding house, group home nor halfway house but rather the residents of the home are the functional equivalent of a family.

Ordinance No. 1833, relating to the regulation of individuals with disabilities residing in parolee-probationers homes and residential care facilities, defining transient dwellings, and providing for a reasonable accommodation request process, was adopted by the Euless City Council on or about October 28, 2008.

On April 8, 2009, Mr. Polin, on behalf of Sam Kroll and Primary Purpose Homes, filed a request for reasonable accommodation for 1311 Oak Timber. A copy of the request is attached.

On April 17, 2009, City Manager Gary McKamie conditionally approved the request for reasonable accommodation. A copy of the conditional approval is attached.

On May 8, 2009, Mr. Polin filed an appeal of the conditional grant of reasonable accommodation.

Ordinance No. 1833 requires that the appeal be heard by the City Council within 30 days. Therefore, we believe it is necessary that the council hear the appeal and act accordingly at the regularly scheduled City Council meeting on May 26, 2009.

Per the requirements of Ordinance No. 1833, property owners within a distance of 300 feet of the exterior boundaries of the property were notified by mail of the hearing.

Staff recommends that the City Manager's Decision be sustained.

FINANCIAL CONSIDERATIONS:

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Over/Under Projection By:

Other Comments:

SUPPORTING DOCUMENTS:

- Kroll's Application for Reasonable Accommodation
- City of Euless' Letter Conditionally Granting Reasonable Accommodation
- Kroll's Appeal
- Polin's Acknowledgement Receipt of Notice and Notifying of the Date and Time of Hearing
- Notice of Public Hearing to Property Owners
- Property Owners Approval and Protest Letters
- Map 1, Map 2 and Map 3

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **SC** _____

City Secretary's Office