

Killeen City Planning Department

Subject: Formal Request for Rezoning 1103 Horizon Dr. Killeen TX.

I would like to submit a formal request for a zoning change from B-3 to R-3F. I was recently notified that the current zoning is causing an issue related to my contract to sell the property. The appraiser hired by the VA was not able to complete it because it's considered a Legal Non-Conforming property. I'm currently working to resolve the issue to assist the VA buyer and complete appraisal and the transition, but the zoning will have to be resolved. My designated representative Karen Doerbaum has been extremely helpful and has gone through several steps and research regarding the issue (shown below).

1. As discussed, we currently have a VA contract for the fourplex located at 1103 Horizon, Killeen, TX 76549.
2. We recently received correspondence from CMG Home Loans indicating that the appraiser has highlighted concerns regarding the property's zoning classification as B-3 (Local Business District) and its designation as a Legal Non-conforming use. The City of Killeen Zoning elaborates on the restrictions pertaining to reconstruction in the event of total or partial destruction.
3. Consequently, the appraiser has expressed reservations about appraising the property under the current zoning, which may impede our ability to secure VA financing and potentially affect other loan types as well. That would adversely affect ANY owner with property in the Legal Non-Conforming category and their ability to not only sell or purchase but also their ability to get, or keep, property insurance.
4. Subsequent discussions with Maria Lopez and David at the Planning and Zoning department have revealed an awareness of the issue. It is noteworthy that the property was zoned B-3 in 1990, prior to changes in zoning regulations in 2006.
5. Further inquiries with David have disclosed that several properties are affected by similar zoning issues, with City Council being apprised of the situation, particularly in light of recent occurrences on Ave C. There is a concern that insurance companies have now become involved, potentially leading to policy cancellations for properties with Legal Non-Conforming status.
6. The suggested solution of rezoning, albeit standard practice, presents logistical and financial challenges, particularly for imminent transactions such as the VA purchase of 1103 Horizon. Furthermore, that is an undue financial burden on all owners who find themselves caught in the Legal Non-Conforming status.
7. While the Planning and Zoning department is actively pursuing long-term solutions, such as the implementation of a Unified Development Code (UDC), the

immediate concern necessitates prioritization. Intervention from City Council may expedite resolution while interim measures are considered to alleviate the burden on affected property owners.

8. The criteria outlined in the zoning code regarding reconstruction, specifically concerning public welfare and the character of the surrounding area, suggest that a favorable decision could be reached, especially given the predominant presence of similar multifamily properties in the vicinity.
9. increasingly affecting appraisers and insurance companies, potentially impacting numerous property owners in our county.
10. In conclusion, I urge for immediate measures to facilitate ongoing transactions. Such interim measures are essential and may help owners navigate the issues until a permanent resolution is reached. I request the area be zoned correctly at no cost to the citizens who own property as they have or could be adversely affected by a decision that was made by the county government years ago.

I purchased the property in 2003, prior to the zoning pyramid in 2006. Now the change is adversely impacting my ability to sell the property to a VA Buyer. Based on the information, I would like to request a waiver or reimbursement of all rezoning fees. Please contact me if you have any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Jay Franklin 2-27-24". The signature is fluid and cursive, with the name "Jay Franklin" followed by the date "2-27-24".

Jay Franklin (1103 Horizon Dr. Owner)