

**AGENDA PLACEMENT FORM**

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

Date: October 13, 2023

Meeting Date: October 23, 2023

Submitted By: Julie Edmiston

Department: Public Works

Signature of Elected Official/Department Head:



<b>Court Decision:</b> <small>This section to be completed by County Judge's Office</small>
COMMISSIONERS COURT
OCT 23 2023
<b>Approved</b>

**Description:**

Consideration of Variance to allow Permitting of a Second OSSF System on a 1.86 Acre Lot in Precinct 1

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(May attach additional sheets if necessary)

Person to Present: Jennifer VanderLaan

(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one)     PUBLIC     CONFIDENTIAL  
(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 10 minutes

Session Requested: (check one)  
 Action Item     Consent     Workshop     Executive     Other \_\_\_\_\_

**Check All Departments That Have Been Notified:**

- County Attorney     IT     Purchasing     Auditor
- Personnel     Public Works     Facilities Management

Other Department/Official (list) \_\_\_\_\_

**Please List All External Persons Who Need a Copy of Signed Documents  
In Your Submission Email**



## Johnson County Public Works Department

Jennifer VanderLaan / Director of Public Works

2 North Mill Street, Suite 305

Cleburne, Texas 76033

817-556-6380

### VARIANCE REQUEST

Johnson County Subdivision Rules and Regulations outline what is required under the adopted Rules and Regulations. To request a variance for a deviation or exception to those Rules and Regulations for a lot or tract (ex: road frontage, etc.) please provide the following information.

Variance fee is \$120 per request. This request will be presented to the Commissioner's Court for their decision.

Name Jessica Gearhart Date 10/11/2023

Phone Number 817-304-2583

Email Address jessicagearhart@gmail.com

Property Information for Variance Request:

Property 911 address 5817 County Road 913

Subdivision name LaStar Estates Block 1 Lot 1

Survey B.B.B. and C.R.R. Abstract 82 Acreage 1.86 acre

Request A second septic on less that 2 acres.

Reason for request We are rennovating a small portion of the existing barn structure into a guest space and recreation area. It is for personal

use only and not for rental or further subdivision. When we bought our lot, Lot (Lot 1) it was surveyed at 2.00 full acres;

however the acreage was reduced to 1.86 acres to allow for the 30 ft ROW as part of the re-platting and purchase process.

Provide the following with this request:

- Copy of plat (if property has been platted)
- Copy of property deed
- Survey or drawing showing existing structures

Approved by the Johnson County Commissioners Court this the 13<sup>th</sup> day of Sept 2021

*Ronald Harmon*  
COUNTY CLERK - ROYAL HARMON

**Duties of Developer/Property Owner**

The approval and filing of this plat by Johnson County does not relieve the developer of the property or owner of the property of any duty to comply with all local, state or federal law of the jurisdictions in which the property is located.

The approval and filing of this plat by Johnson County does not relieve the developer of the property or owner of the property of any duty to any adjacent or downstream property owner or impose any duty or liability to Johnson County, the Commissioners, officials or employees of Johnson County.

Johnson County makes no representation that the creeks, streams, rivers, drainage channels or other drainage structure, ditches, or features portrayed hereon are actually existing on the property portrayed by this plat do not violate the statutes or common law of an incorporated city, Johnson County the State of Texas or the United States.

Johnson County is relying upon the surveyor whose name is affixed hereon to make accurate and truthful representations upon which Johnson County can make determinations regarding the approval or disapproval of this plat.

Indemnity  
The property developer submitting the plat to Johnson County for approval and the owner of the property the subject of this plat do hereby agree to jointly and severally indemnify and hold harmless Johnson County and the Commissioners, officials and employees of Johnson County from any and all claims or damages resulting from or allegedly arising from Johnson County's approval or filing of this plat or construction documents associated therewith.

**Filing a Plat is Not Acceptance of Roads for County Maintenance**

The approval and filing of a Plat which dedicates roads and streets does not make the roads and streets county roads subject to county maintenance. No road street or easement set aside in this Plat will be maintained by Johnson County Texas in the absence of an express Order of the Commissioners Court signed by record in the minutes of the Commissioners Court of Johnson County Texas specifically identifying any such road street or easement and specifically accepting such road street or easement for county maintenance.

**General Notes**

- NOTE: BEARINGS BASED PER GPS SIDES - NORTH CENTRAL ZONE
- NOTE: THERE IS NO FINISH FLOOR ELEVATION REQUIRED PER DEED
- NOTE: MONUMENTS HELD FOR CONTROL ARE AS SHOWN
- NOTE: ALL BEARINGS AND DISTANCES ARE MEASURED
- NOTE: THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN THE ETC. OF ANY CITY OR TOWN.
- NOTE: THE DESIGNATION OF THE PROPOSED USAGE OF THE AREA SHOWN ON PLAT IS FOR SINGLE FAMILY RESIDENTIAL.
- NOTE: THE DEVELOPER SHALL COMPLETE ALL ROADS AND DRAINAGE FACILITIES IN A SUBDIVISION WITHIN TWELVE (12) MONTHS AFTER THE DATE OF FINAL PLAT APPROVAL.
- ELECTRIC PROVIDER: UNITED COOPERATIVE SERVICES - 817-447-5252
- WATER PROVIDER: UGOLD WATER - 817-740-3704
- SEWER: PRIVATE INDIVIDUAL SEPTIC SYSTEMS

**Owners Certificate**

Being all of tract or parcel of land situated in the B.B.B. and C.R.R. Company Survey, Abstract No.82, Johnson County, Texas, being all of a 4.27 acre tract conveyed to K. Zavitz by deed recorded under County Clerks File No.2020-4581, Deed Records, Johnson County, Texas, being more particularly described by metes and bounds as follows:  
Beginning at a 1/2" iron rod found for corner in County Road No.913, being the northeast corner of said 4.27 acre tract and the northeast corner of a 2.0 acre tract conveyed to R. Henry by deed recorded in Volume 1041, Page 466, Deed Records, Johnson County, Texas;  
Thence South 89°58'06" East with said County Road No.913 and the north line of said 4.27 acre tract a distance of 357.47 feet to a 1/2" iron rod found for corner in said County Road No.913, being the northeast corner of said 4.27 acre tract;  
Thence South 18°11'20" East with the easterly line of said 4.27 acre tract a distance of 457.08 feet to a 1/2" iron rod found for corner in the north line of a 19.99 acre tract conveyed to Prairie Vista Baptist Church by deed recorded in Volume 4242, Page 621, Deed Records, Johnson County, Texas, being the southeast corner of said 4.27 acre tract;  
Thence North 89°58'17" West with the common line of said 4.27 acre tract and said 19.99 acre tract generally along a fence a distance of 500.15 feet to a 1/2" iron rod found for corner in the east line of said 2.0 acre tract, being the southwest corner of said 4.27 acre tract;  
Thence due North with the common line between said 2.0 acre tract and said 4.27 acre tract generally along a fence a distance of 434.18 feet to the POINT OF BEGINNING and containing 4.27 acre, more or less as surveyed on October 10, 2006 by Texas Surveyors.

**Now Therefore Known To All Men By These Presents**

That we Keith and Linda Zavitz are the owners of the above described tract of land, do hereby adopt this plat designating the herein described property as Lot 1 and Lot 2, Block 1, LaStar Estates, an addition to Johnson County, Texas, and hereby dedicate to the public use, without reservation, the streets, easements, right-of-ways and any other public area shown hereon.

Keith Zavitz  
*Linda Zavitz*  
Linda Zavitz  
Date: 8-31-2021  
Date: 8-31-2021

**State of Texas**

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Keith Zavitz, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same purposes and consideration therein expressed and in the capacity therein stated. Given under my hand and seal of office, this the 31st day of August, 2021.

*JO WALDROP*  
Notary Public  
JO WALDROP  
Notary Public, State of Texas  
Comm. Expires 05-30-2024  
NotaryID:636179-6

**State of Texas**

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Linda Zavitz, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same purposes and consideration therein expressed and in the capacity therein stated. Given under my hand and seal of office, this the 31st day of August, 2021.

*JO WALDROP*  
Notary Public  
JO WALDROP  
Notary Public, State of Texas  
Comm. Expires 05-30-2024  
NotaryID:636179-6

**SURVEYOR'S CERTIFICATE**

I hereby declare that this true and accurate survey made on the ground under my supervision in April, 2021 correctly shows the relation of the property lines of land covered by this survey, and that there are no protrusions or overlaps onto adjoining property of property indicated hereon except as shown noted or described on the survey. This survey is subject to any easements not visible on the ground.

*Donna L. Tucker*  
Donna L. Tucker RFLS No. 5144  
County Clerk



PLAT FILED 9/14/2021  
INSTRUMENT: 2021-202  
DRAWER: SLIDE E-472  
BECKY WEE, JOHNSON COUNTY CLERK  
BY *Wanda Shulz* DEPUTY CLERK

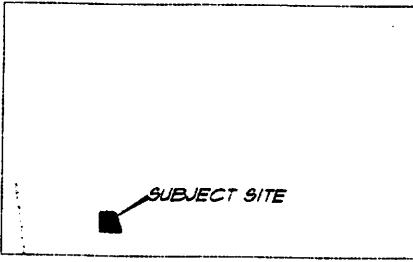
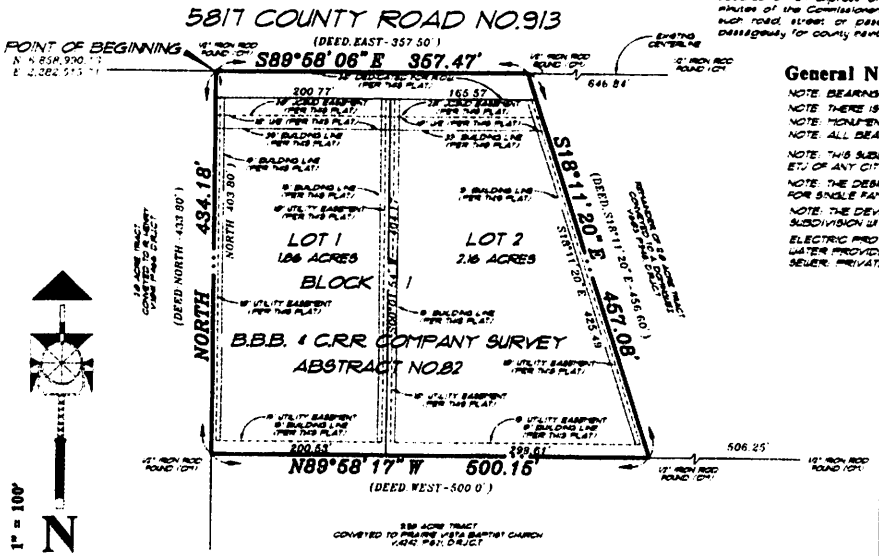
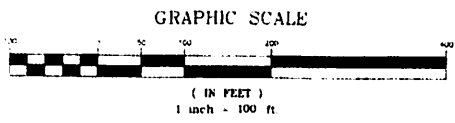


P.O. Box 1855  
Barstow, Texas 76097  
Office: 817-295-2999  
Fax: 817-295-3311

**Final Plat**  
**Lot 1 and Lot 2, Block 1**  
**LaStar Estates**  
**Johnson County, Texas**  
Being the same 4.27 acre tract in the B.B.B. and C.R.R. Survey, Abstract No. 82, Johnson County, Texas recorded County Clerks File No.2020-4581, Deed Records, Johnson County, Texas

OWNERS:  
Keith and Linda Zavitz  
5817 CR 913  
Galley, Texas 76844  
Phone: 972-668-3390  
kz@lasteratesurveyors.com

SURVEYOR:  
Tucker Surveyors  
Christach Dennis Tucker  
281 NE Tarrant Avenue  
Barstow, Texas 76088  
Phone: (817) 295-2999  
Fax: (817) 295-3311



**VICINITY MAP**

**Private Sewage Facility**

ON-SITE SEWAGE FACILITY PERFORMANCE CANNOT BE GUARANTEED EVEN THOUGH ALL PROVISIONS OF THE RULES OF JOHNSON COUNTY, TEXAS FOR PRIVATE SEWAGE FACILITIES ARE COMPLIED WITH.

INSPECTIONS AND/OR ACCEPTANCE OF A PRIVATE SEWAGE FACILITY BY THE PUBLIC WORKS DEPARTMENT SHALL INDICATE ONLY THAT THE FACILITY MEETS MINIMUM REQUIREMENTS AND DOES NOT RELIEVE THE OWNER OF THE PROPERTY FROM OTHER STATE AND FEDERAL REGULATIONS PRIVATE SEWAGE FACILITIES ALTHOUGH APPROVED AS MEETING MINIMUM STANDARDS MUST BE UPGRADED BY THE OWNER AT THE OWNER'S EXPENSE IF NORMAL OPERATION OF THE FACILITY REVEALS IN CORRECTABLE DEFECTS IF UNSATISFACTORY CONDITIONS ARE CREATED OR IF THE FACILITY OTHERWISE DOES NOT COMPLY WITH GOVERNMENTAL REGULATIONS.

A PROPERLY DESIGNED AND CONSTRUCTED PRIVATE SEWAGE FACILITY SYSTEM, INSTALLED IN SUITABLE SOIL CALIBRATION IF THE AMOUNT OF WATER THAT IS REQUIRED TO DISPOSE OR IS NOT CONTROLLED IT WILL BE THE RESPONSIBILITY OF THE LOT OWNER TO MAINTAIN AND OPERATE THE PRIVATE SEWAGE FACILITY IN A SATISFACTORY MANNER.

**R.O.W.**

30' FROM CENTER OF EXISTING ROAD

**Utility Easement**

5' FROM LOT LINE ON SIDES  
30' IN FRONT AND BACK

**Building Lines**

65' FROM CENTRAL LINE (COUNTY ROAD OR SUBDIVISION ROADS)  
5' FROM LOT LINE ON REAR  
0' FROM LOT LINE ON SIDES

- LEGEND**
- PROPERTY LINE
  - EASEMENT LINE
  - BUILDING
  - ASPHALT
  - CONCRETE
  - FENCE LINE
  - POWDER POLE
  - OVERHEAD POWER
  - CONTROLLING MONUMENT
  - DIRECTION OF DRAINAGE

**Flood Statement**

According to the Flood Insurance Rate Map or Johnson County, Texas and Incorporated Areas, Community Plans No.4875108719-1 effective date December 4, 2017, this property is located in Zone "X".

I believe referenced FEMA Flood Insurance Rate Map is for use in determining the "X" zone. It does not necessarily show all areas subject to flooding particularly from local sources of small size which could flood by severe, non-tidal, coastal, or inland, or other drainage systems. There may be other streams, creeks, low areas, or other surfaces or subsurface conditions existing or near the subject property which are not studied or addressed on the FEMA.

DURING THE FLOW OF WATER ON CONSTRUCTED IMPROVEMENTS IN THE DRAINAGE AREA AND CHANNELS OR CONSTRUCTION OF THE FLOW OF WATER IN PROPOSED DRAINAGE CHANNELS OR CHANNELS TRAVELING ALONG OR ACROSS THIS PROPERTY, REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE INTERFERED BY OR ADJACENT TO DRAINAGE TRAVELING ALONG OR ACROSS SAID LOTS.  
JOHNSON COUNTY SHALL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION AND DRAINAGE CANALS OR FOR THE CONSTRUCTION OF FENCING.  
JOHNSON COUNTY WILL NOT BE RESPONSIBLE FOR ANY DAMAGE PERSONAL, REALTY OR INJURY TO LIFE OR PROPERTY OCCURRED BY FLOODING OR FLOOD CONDITIONS.  
JOHNSON COUNTY HAS THE BURDEN BUT NOT A DUTY TO VISIT ONTO PROPERTY AND CLEAR OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO TREES PLANTS DIRT OR BUILDINGS WHICH OBSTRUCT THE FLOW OF WATER THROUGH DRAINAGE IMPROVEMENTS.

THE UNDERSIGNED  
HAS REVIEWED & RECEIVED  
COPY OF SURVEY

*Edna G. Garcia*

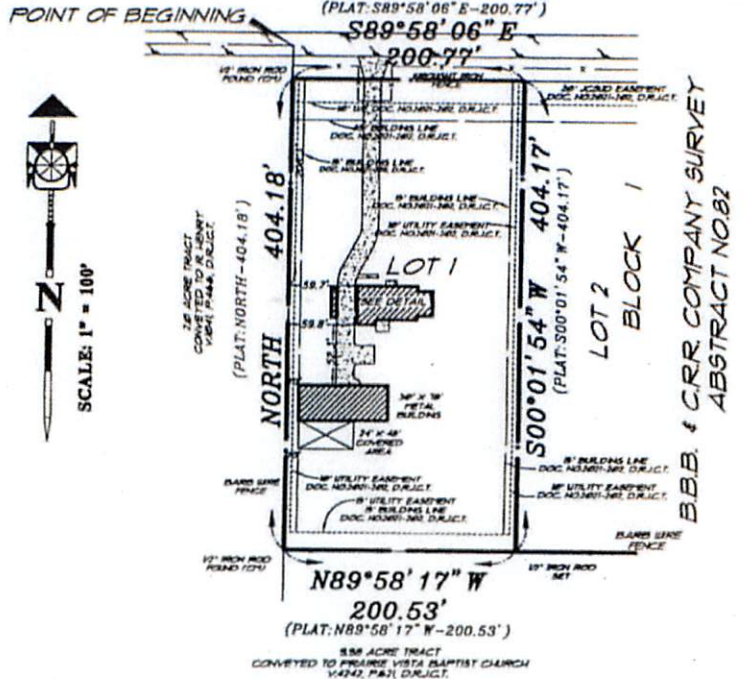
DATE 10/8/2021

G.F. No. NA

**LEGEND**

- PROPERTY LINE
- - - EASEMENT LINE
- ▭ BUILDING
- ASPHALT
- CONCRETE
- - - FENCE LINE
- POWER POLE
- OVERHEAD POWER
- (CM) CONTROLLING MOMENT
- DIRECTION OF DRAINAGE

5817 COUNTY ROAD NO.913



SCALE: 1" = 100'

**Survey Showing  
Lot 1, Block 1  
LaStar Estates**

**Johnson County, Texas**

Being all of Lot 1, Block 1, LaStar Estates, an addition to Johnson County, Texas, according to the plat recorded as Document No.2021-202, Deed Records, Johnson County, Texas.

**SURVEYOR'S DECLARATION**

I hereby declare that this true and accurate survey, made on the ground under my supervision, on September 20, 2021, correctly shows the relation of the property lines of land covered by this survey, and that there are no protrusions or overlaps onto adjoining property of property indicated hereon, except as shown, noted or described on the survey. This survey is subject to any easements not visible on the ground.

*Donnie L. Tucker*

Donnie L. Tucker, RPLS No. 5144

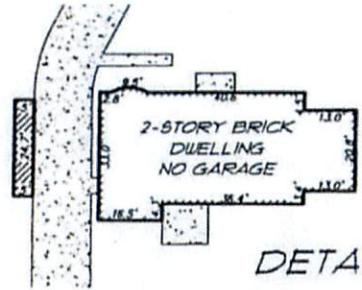


**General Notes**

- NOTE: BEARINGS BASED PER PLAT RECORDED AS DOC. 2021-202, D.R.J.C.T.
- NOTE: THERE IS NO FINISHED FLOOR ELEVATION REQUIRED PER DEED.
- NOTE: ALL BEARINGS AND DISTANCES ARE MEASURED.
- NOTE: MONUMENTS HELD FOR CONTROL ARE AS SHOWN.
- NOTE: EASEMENT RECORDED IN V.643, P.179, D.R.J.C.T. (AFFECTS-CONTACT J.C.R.U.S.C. FOR EXACT LOCATION)
- NOTE: EASEMENT RECORDED IN V.189, P.896, D.R.J.C.T. (AFFECTS-CONTACT J.C.R.U.S.C. FOR EXACT LOCATION)

**Flood Statement**

According to the Flood Insurance Rate Map for Johnson County, Texas and Incorporated Areas, Community Panel No.48251c@175, effective date December 4, 2012, this property is located in Zone 'X'; (Areas determined to be outside the 500-year flood plain)



DETAIL: 1" = 30'

**TEXAS**  
"LAND SURVEYING"  
(ANY WHERE IN TEXAS)

**SURVEYORS**

P.O. Box 1855  
Burleson, Texas 76097  
Office: 817-295-2999  
Fax: 817-295-3311

Job No. 202109016

Old Republic Title  
GF# 5151009575

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**Warranty Deed with Vendor's Lien**

Date: October 8, 2021

Grantor: Keith A. Zavitz and Linda Zavitz

Grantor's Mailing Address: 5401 Maerewood Drive Arlington TX 76017

Grantee: David James Gearhart and Jessica Shea Gearhart, husband and wife

Grantee's Mailing Address: 5817 County Road 913 Godley TX 76044

Lender: North American Savings Bank, FSB

Lender's Mailing Address: 12498 South 71 Highway, Grandview, Missouri 64030

Trustee: Orval Lee Marlow II

**Consideration:**

Cash and a note of even date executed by Grantee and payable to the order of Lender in the principal amount of FIVE HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$520,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Lender and by a first-lien deed of trust of even date from Grantee to Trustee.

**Property (including any improvements):**

Lot 1, Block 1, of LaStar Estates, an Addition to Johnson County, Texas, according to the map or plat thereof recorded in County Clerk's File No. 2021-202, of the Plat Records of Johnson County, Texas.

Reservations from Conveyance: None.

**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed by Grantee or subject to which title is taken by Grantee; validly existing restrictive covenants common to the platted subdivision in which the Property is located; standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; validly existing utility easements created by the dedication deed or plat of the subdivision in which the Property is located; any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; and any validly existing titles or rights asserted by anyone, including but not limited to person, the public, corporations, governments, or other entities, to (a) tidelands or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d) water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever

lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

Lender, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of Lender and are transferred to Lender without recourse against Grantor.

When the context requires, singular nouns and pronouns include the plural.

  
\_\_\_\_\_  
Keith A. Zavitz

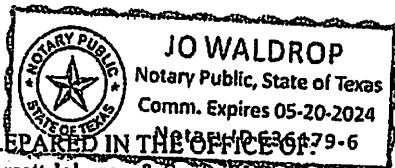
  
\_\_\_\_\_  
Linda Zavitz

STATE OF TEXAS

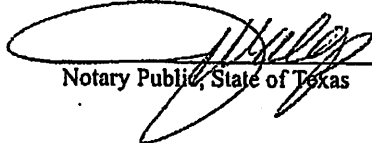
COUNTY OF TARRANT

Before me, the undersigned Notary Public, on this day personally appeared Keith A. Zavitz and Linda Zavitz, proved to me through DL to be the people whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 8<sup>th</sup> day of October, 2021.



PREPARED IN THE OFFICE OF:  
Dorsett Johnson & Swift, LLP  
407 Throckmorton, Suite 500  
Fort Worth, Texas 76102

  
\_\_\_\_\_  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

M/M David Beards  
5817 County Road 913  
Goodley TX 76044



**Johnson County  
Becky Ivey  
Johnson County  
Clerk**

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**Instrument Number: 38240**

eRecording - Real Property

Warranty Deed

Recorded On: October 12, 2021 09:00 AM

Number of Pages: 3

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**" Examined and Charged as Follows: "**

Total Recording: \$30.00

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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 38240  
Receipt Number: 20211012000001  
Recorded Date/Time: October 12, 2021 09:00 AM  
User: Leslie S  
Station: ccl83

**Record and Return To:**

ERECORDING PARTNERS  
101 W NUEVA  
  
SAN ANTONIO TX



**STATE OF TEXAS  
COUNTY OF JOHNSON**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Johnson County, Texas.**

Becky Ivey  
Johnson County Clerk  
Johnson County, TX

*Becky Ivey*