



BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington
Thursday, June 09, 2022 at 4:00 PM

AGENDA

CALL TO ORDER

MINUTES

- [1.](#) Approval of May, 2022 Minutes

PUBLIC HEARING

- [2.](#) Consideration of Landscape Buffer Variance Requests

ADJOURN

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.



BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington
Thursday, May 12, 2022 at 4:00 PM

MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, May 12, 2022 at 4:00 PM, in the City Hall Council Chambers, 298 W. Washington, for the purpose of a Board of Adjustment Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

<u>MEMBERS PRESENT:</u>	Moumin Quazi, Chairperson David Baskett, Vice Chairperson Ben Tackett Darrell Brown
<u>MEMBERS ABSENT:</u>	Kellijon Nance
<u>OTHERS ATTENDING:</u>	Steve Killen, Director of Development Services Tina Cox, Board Secretary

CALL TO ORDER

Chairman Quazi called the meeting to order at 4:05 p.m.

MINUTES

1. Approval of April 12, 2022 Minutes

MOTION by David Baskett, second by Darrell Brown, to approve the minutes as presented. MOTION CARRIED by unanimous vote.

PUBLIC HEARING

2. Case No.: V2022-006

Applicant Phillip Warren is requesting a variance from Section 154.05.3.D.(5) relating to minimum depth of front setback requirements for property located at 453 Alexander, being parcel R31077 of Counts Addition, Block 1, Lot 14 and 5 (Pt. of 5) of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, stated that Mr. Warren is requesting a variance to allow for the extension of the front porch. Based on the site plan, the porch will encroach front setback by approximately six feet. He is requesting a six-foot variance, thus by reducing the front setback from 25' to 19'. Mr. Killen concluded his report that the staff supports the request.

Applicant Phillip Warren presented his case to the board by explaining that he would like the setback in order to add an additional 620 square feet to the front porch which would complement the remodeling that has been completed on the house.

Chairman Quazi opened the public hearing.

No one came forward to speak in favor of or opposition to the variance.

Chairman Quazi closed the public hearing.

MOTION by Darrell Brown, second by David Baskett, to approve Case No. V2022-006. MOTION CARRIED by unanimous vote.

3. Case No.: V2022-007

Applicant James Benton is requesting a variance from Section 154.05.3.D.(6) relating to minimum depth of rear setback requirements for property located at 150 Elk Cove, being parcel R75360 of Elk Ridge Estates III, Block 5, Lots 8 of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, stated that Mr. Benton is requesting a variance to allow for the construction of swimming pool. Based on the site plan, the pool will protrude into the rear setback by approximately seven feet. He is requesting a seven-foot variance, thus by reducing the rear setback to 18’ from 25’. Mr. Killen concluded his report that the staff supports the request.

James Benton, applicant, shared that he is requesting the variance in order to build the pool so that it is 5-7’ from the house.

Chairman Quazi opened the public hearing.

No one came forward to speak in favor of or in opposition to the variance.

Chairman Quazi closed the public hearing.

MOTION by Darryl Brown, second by Ben Tackett, to approve Case No. V2022-007. MOTION CARRIED by unanimous vote with David Baskett abstaining.

ADJOURN

The meeting was adjourned at 4:18 p.m.

APPROVED:

ATTEST:

Moumin Quazi, Chair

Tina Cox, Board Secretary

Board of Adjustment STAFF REPORT



Item 2.

SUBJECT: Case No.: V2022-008 and V2022-009
MEETING: Board of Adjustment – 9 June 2022
DEPARTMENT: Development Services
STAFF CONTACT: Steve Killen

BACKGROUND:

Applicant Tom Hackelman, representing Lu Enterprise LLC, is requesting a variance from Section 154.13.G.1 of the Stephenville Zoning Ordinance, for property located at 2220 W. Washington Street and 2223 S. Loop. These are adjacent parcels recently rezoned to B-2, Retail and Commercial District. The intended use will result in a replat of the properties into one parcel. The building is for general office/clinic space.

By ordinance, the project is subject to a 20' landscape buffer (see excerpt below). The applicant states the 20' foot buffer will not allow the construction of the building as designed due to construction and setback requirements. The applicant is requesting a 10' reduction of the 20' buffer requirement.

Staff has no objection to the request.

13.G Additional Requirements Adjacent to Residential. The following standards shall apply to all multifamily and nonresidential developments. These standards may be met by saving existing trees on the site of six inches caliper or more, measured 12 inches above grade, or by planting new trees from the approved tree list contained in this section. Minimum requirements for development located within the multifamily, business and industrial districts shall be as follows:

- (1) A landscape buffer of 20 feet will be required along any property line abutting a RE, R-HA, R-1, R-1.5, R-2, R-3, and B-3 residential district.

VARIANCE:

Section 154.21.1.1

1. A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property. Whenever owing to exceptional and extraordinary conditions, the literal enforcement of the zoning regulations will result in unnecessary hardship in the development of the property, an appeal for a variance may be filed with the Board of Adjustment.

2. When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him or her practical difficulties or particular hardship, the Board may consider and allow variations of the strict application of the terms of this ordinance if the variation are in harmony with the general purpose and intent of this ordinance, and the Board is satisfied, under the evidence heard by it, that a granting of the variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the Zoning Regulations.

3. The Board may authorize a variance where by reason of exceptional narrowness, shallowness, or shape of

specific piece of property of record at the time of the adoption of this ordinance, or by reason of exceptional situation or condition of a specific piece of property, the strict application of a provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good, and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

(a) Papers required. An appeal for a variance shall include:

1. A site plan, drawn to scale, showing the location and dimension of the lot and of all existing and proposed improvements:

a. When an appeal is based upon hardship resulting from sharp changes in topography or unusual terrain features, the site plan shall

include topographic information related to known base points of surveys, and profiles of the particular problem involved, including relationship to topographic features of adjoining properties.

b. When an appeal is submitted for variance of side yard or rear yard requirements, the applicant shall provide the same information for

the properties adjoining the common lot line as may be applicable to the appealed requirements.

c. When an appeal is submitted for a variance from front yard setback, or for side yard setback on aside street, the applicant shall furnish a strip map showing the setback of main walls of all buildings on the same side of the street within a distance of 200 feet of the applicant's property.

2. A statement of facts and reasons why the Zoning Regulations should not be applied to the property in question and how the standards governing the Board's action would be satisfied; and

3. A statement by the Enforcing Officer citing the reasons for refusing to issue a permit under the plans submitted.

(b) Basis for action.

(1) Before acting on an appeal for variance the Board shall consider:

a. The facts filed with the application;

b. The testimony presented at the public hearing on the appeal;

c. The City Staff's technical report on the appeal; and d. The Board's findings in its field inspection of the property.

(2) The Board may grant an appeal, subject to such terms and conditions as it may fix, provided

ALTERNATIVES:

1. Approve the Variance Request

2. Deny the Variance Request

LEGEND:

- AC.....Air Conditioning Unit
- CIRF.....Capped Iron Rod Found
- CO.....Cleanout
- EM.....Electric Meter
- EV.....Electric Vault
- FOM.....Fiber Optic Marker
- GM.....Gas Meter
- GY.....Guy Wire
- IPF.....Iron Pipe Found
- MB.....Mailbox
- MNF.....Magnail Found
- OE.....Overhead Electric
- PP.....Power Pole
- SMH.....Sewer Manhole
- TSG.....Test Gas
- TXDOT.....Brass Capped Texas Department of Transportation
- WM.....Water Meter
- D.R.E.C.T.....Deed Records, Erath County, Texas
- P.R.E.C.T.....Plat Records, Erath County, Texas
- R.R.E.C.T.....Real Records, Erath County, Texas
- Chainlink Fence.....
- Wooden Fence.....
- Underground Gas.....
- Underground Phone.....

- NOTES:**
1. Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values.
 2. By scaled location of FEMA FIRM Map No. 48143C0430D, effective date November 16, 2011, the subject property lies within Zone X (unshaded) - Areas determined to be outside the 0.2% annual chance floodplain.
 3. This Survey Reflects the above ground indications of utilities. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service, or abandoned.
 4. Stewart Title Guaranty Company commitment GF No. 22141, effective date March 2, 2022, issue date March 3, 2022, and Old Republic Title Insurance Company commitment GF No. 20220024, effective date February 25, 2022, issue date March 10, 2022 were used for the easement and title research for this survey.

LINE DATA TABLE

NO.	BEARING	DIST
L1	N30°03'02"W	17.20'
L2	S59°56'58"W	6.07'
L3	N59°56'58"E	4.71'
L4	N30°03'02"W	10.74'

LEGAL DESCRIPTION:

BEING all of Lot 1A-S, Blocks 140 and 145, City Addition, an addition to the City of Stephenville, Erath County, Texas, as shown per replat recorded in Cabinet B, Slide 242B, Plat Records, Erath County, Texas, same being those two tracts of land described in the deeds to Donald Sparks, et ux., as recorded in Volume 885, Page 1003, Deed Records, Erath County, Texas (DRECT), and Document No. 2012-06625, Real Records, Erath County, Texas (RRECT), and being a portion of Lot 1A, Block 140, of said City Addition as described in the deed to Troy P. Fenner, et ux., as recorded in Volume 521, Page 476, DRECT, and being more particularly described by metes and bounds as follows: (Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values).

BEGINNING at a 1/2 inch capped iron rod found marked "PRICE SURVEYING" in the north right-of-way line of W. South Loop (U.S. Highway 377) for the southeast corner of said Lot 1A-S and the southwest corner of a tract of land described as Tract Five in the deed to Rock House Residential Properties, LTD, as recorded in Document No. 2011-06617, RRECT;

THENCE said right-of-way line the following courses and distances:

- South 89°21'30" West, a distance of 100.84 feet to a brass capped TXDOT monument found;
- North 61°54'47" West, a distance of 94.81 feet to a brass capped TXDOT monument found;
- North 30°03'02" West, a distance of 17.20 feet to a brass capped TXDOT monument found in a concrete driveway;
- South 59°56'58" West, a distance of 6.07 feet to a magnail found at the intersection of the cutback in the north right-of-way line of W. South Loop and the east right-of-way line of N. Dale Avenue;

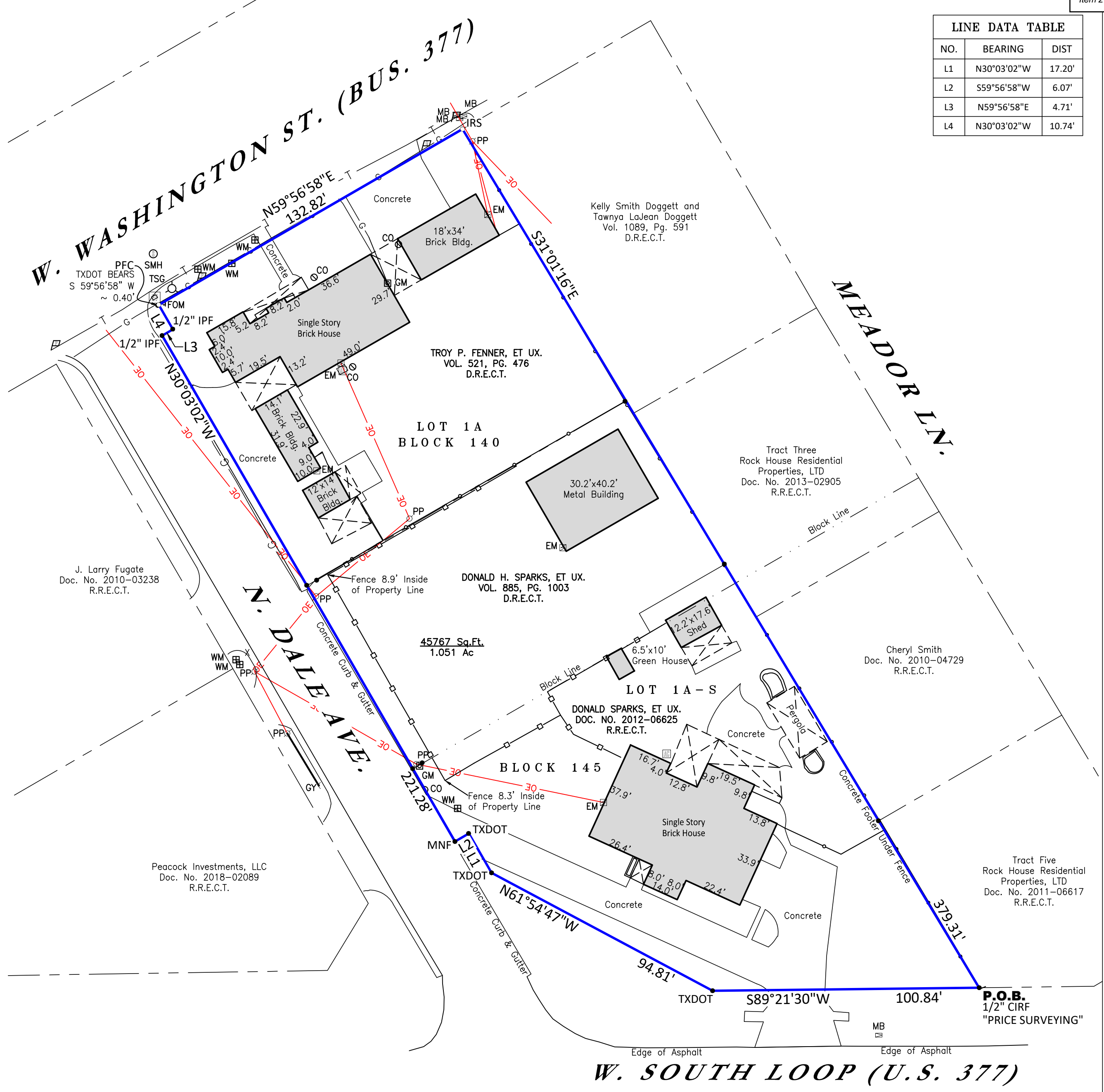
THENCE North 30°03'02" West, with the east line of said N. Dale Avenue, passing a magnail found for the northwest corner of said Lot 1A-S and the southwest corner of said Fenner tract, at a distance of 112.06 feet, continuing for a total distance of 221.28 feet to a 1/2 inch pipe found for the intersection of the east right-of-way line and a cutback in the south right-of-way line of W. Washington St. (Business 377);

THENCE with said cutback the following courses and distances:

- North 59°56'58" East, a distance of 4.71 feet to a 1/2 inch pipe found;
- North 30°03'02" West, a distance of 10.74 feet to a point in the south right-of-way line of said W. Washington St. for the northwest corner of said Fenner tract, from which a brass capped TXDOT monument found bears South 59°56'58" West, a distance of 0.40 feet;

THENCE North 59°56'58" East, with the south right-of-way line of said W. Washington St., a distance of 132.82 feet to a 5/8 inch capped iron rod set marked "NATIVE CO., LLC" for the northeast corner of said Fenner tract and the northwest corner of a tract of land described in the deed to Kelly Smith Doggett and Tawnya LaJean Doggett, as recorded in Volume 1089, Page 591, DRECT;

THENCE South 31°01'16" East, passing a 2.5 inch galvanized fence corner post for the southeast corner of said Fenner tract and the northeast corner of said Lot 1A-S, at a distance of 120.03 feet, continuing for a total distance of 379.31 feet to the **POINT OF BEGINNING** and containing 45,767 Square Feet or 1.051 Acres of Land.



NATIVE CO. LLC
LAND SURVEYING

P.O. Box 2465 Stephenville, Tx 76401
zanc@nativelandsurveying.com ~ 254-434-6695
TBPELS Firm No. 10194572

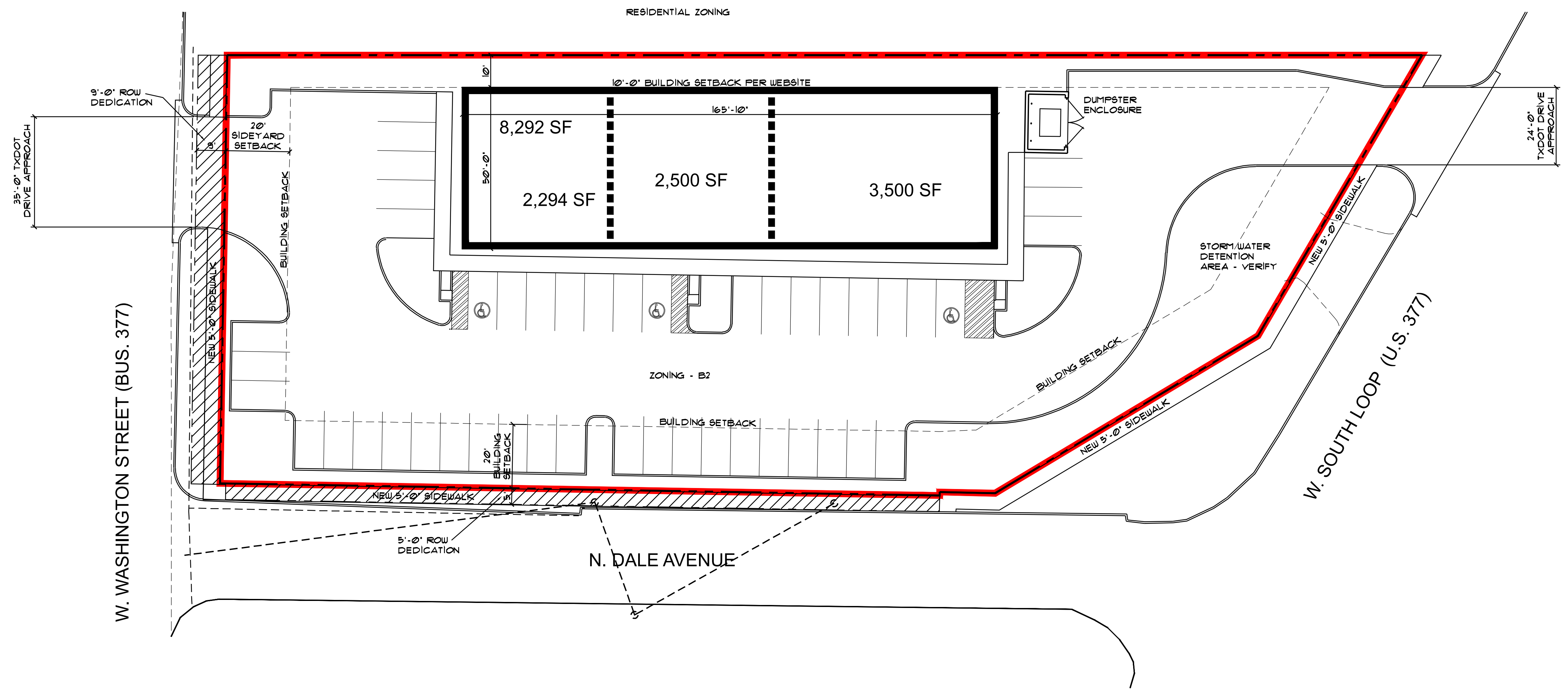
SURVEYOR'S CERTIFICATION:

I, N. Zane Griffin, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby declare that this survey is true and correct and was prepared from an actual survey made under my supervision on the ground. To my knowledge all visible and apparent improvements, encroachments, and or encumbrances are shown.

N. Zane Griffin
N. Zane Griffin, RPLS No. 6810
Date: March 10, 2022

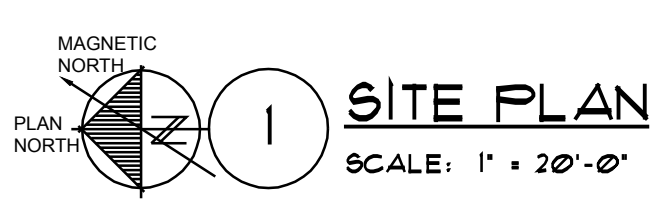
W. WASHINGTON ST. & W. SOUTH LOOP PROJECT
STEPHENVILLE, TEXAS 76401

SURVEY PLAT
45,767 Square Feet or 1.051 Acres
out of Blocks 140 & 145, City Addition,
City of Stephenville, Erath County, Texas



RESIDENTIAL ZONING

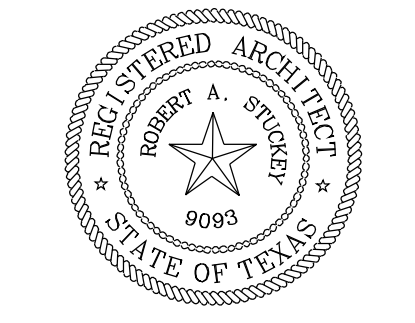
ZONING - B2



PARKING:
 BUILDING AREA: 8,292 SF
 PARKING REQUIRED: 1/200 RATIO 42 PARKING SPACES
 PARKING PROVIDED: 46 PARKING SPACES

HC PARKING REQUIRED: 2 HC PARKING SPACES
 HC PARKING PROVIDED: 3 HC PARKING SPACES

SA
STUCKEY ARCHITECTS
 ARCHITECTURE PLANNING INTERIORS
 200 N. MAIN STREET, SUITE 140
 WEATHERFORD, TEXAS 76086
 TELEPHONE (817) 341-0764
 FAX (817) 341-0765
 EMAIL: rastuckey@stuckeyarchitects.com



ROBERT A. STUCKEY
 ARCHITECT, TEXAS #9093

THESE DRAWINGS ARE
 PRELIMINARY ONLY AND ARE
 NOT FOR REGULATORY APPROVAL,
 PERMITTING, OR CONSTRUCTION.

STEPHENVILLE
PROFESSIONAL BUILDING

STEPHENVILLE, TEXAS

 WEATHERFORD, TEXAS 76086

SITE PLAN

REVISIONS

MAY 23, 2022

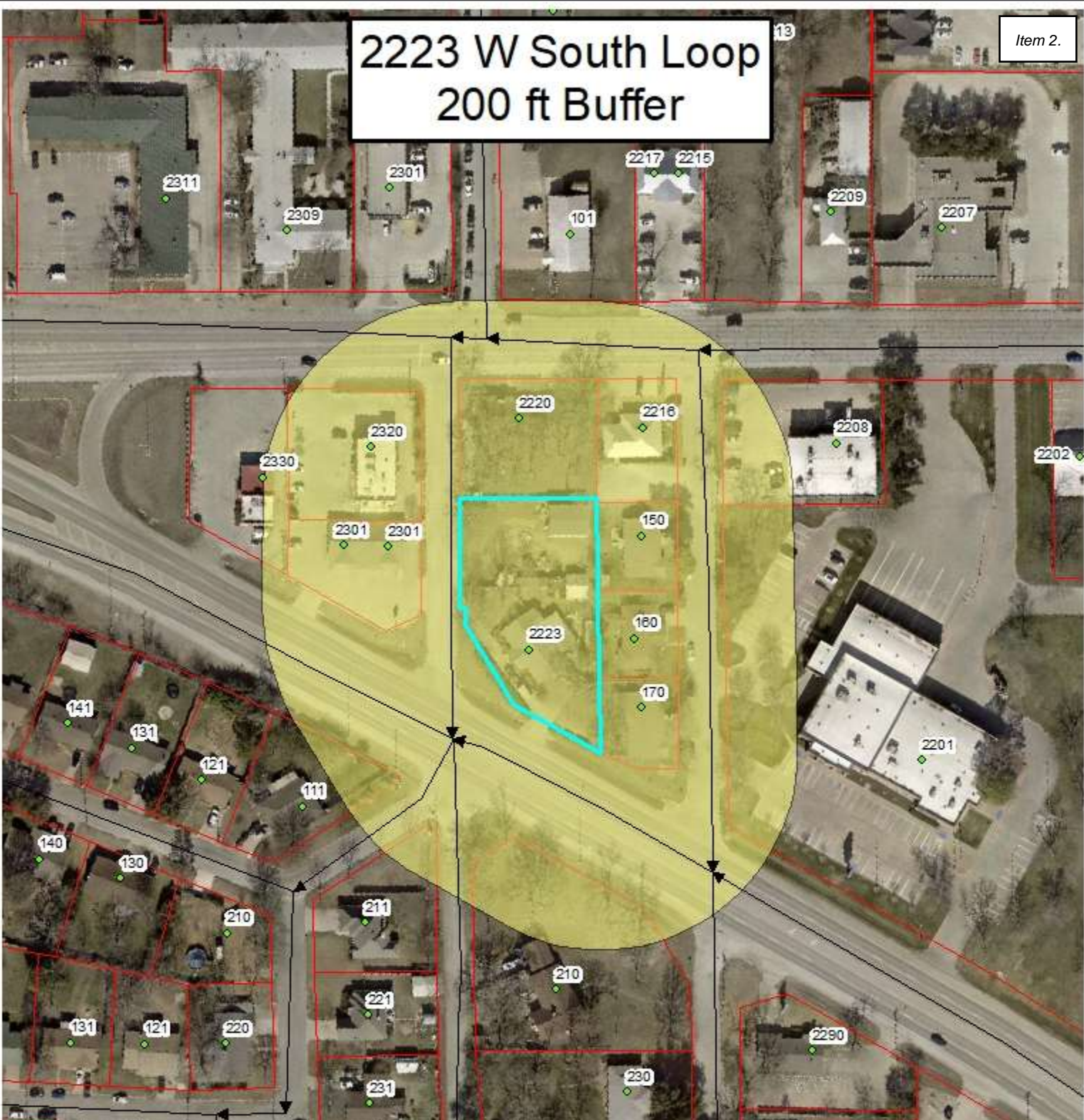
DRAWN BY: RAS PROJ. MGR.: RAS
 DATE: PROJ. NO.:

SHEET NO.
C1.1

SHEET
 OF ...

2223 W South Loop 200 ft Buffer

Item 2.



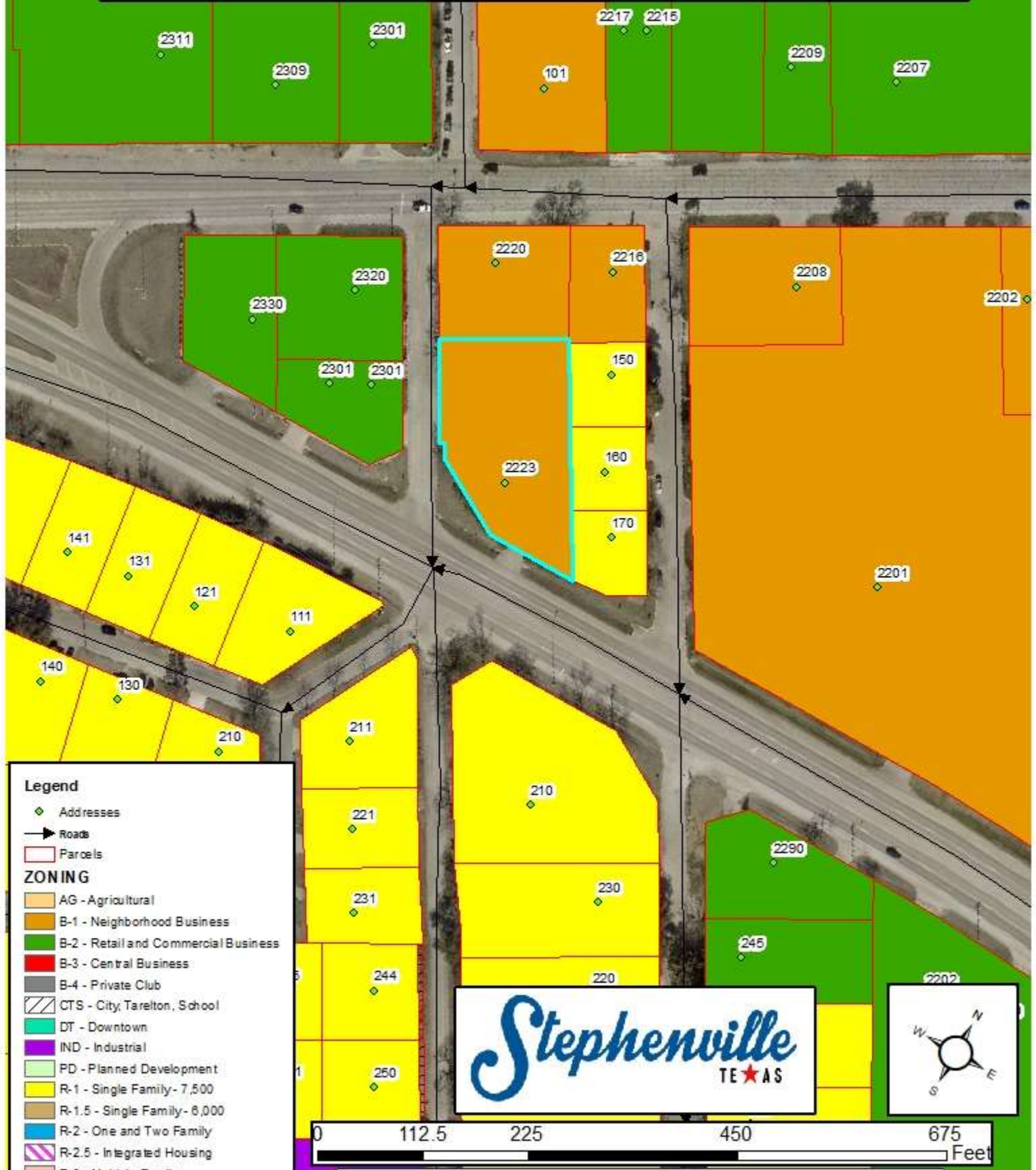
Legend

- ◆ Addresses
- Roads
- 200 ft Buffer
- Parcels



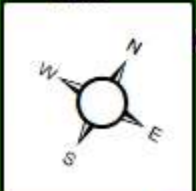
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2223 W South Loop Current Zoning - B1 Neighborhood Business



Legend

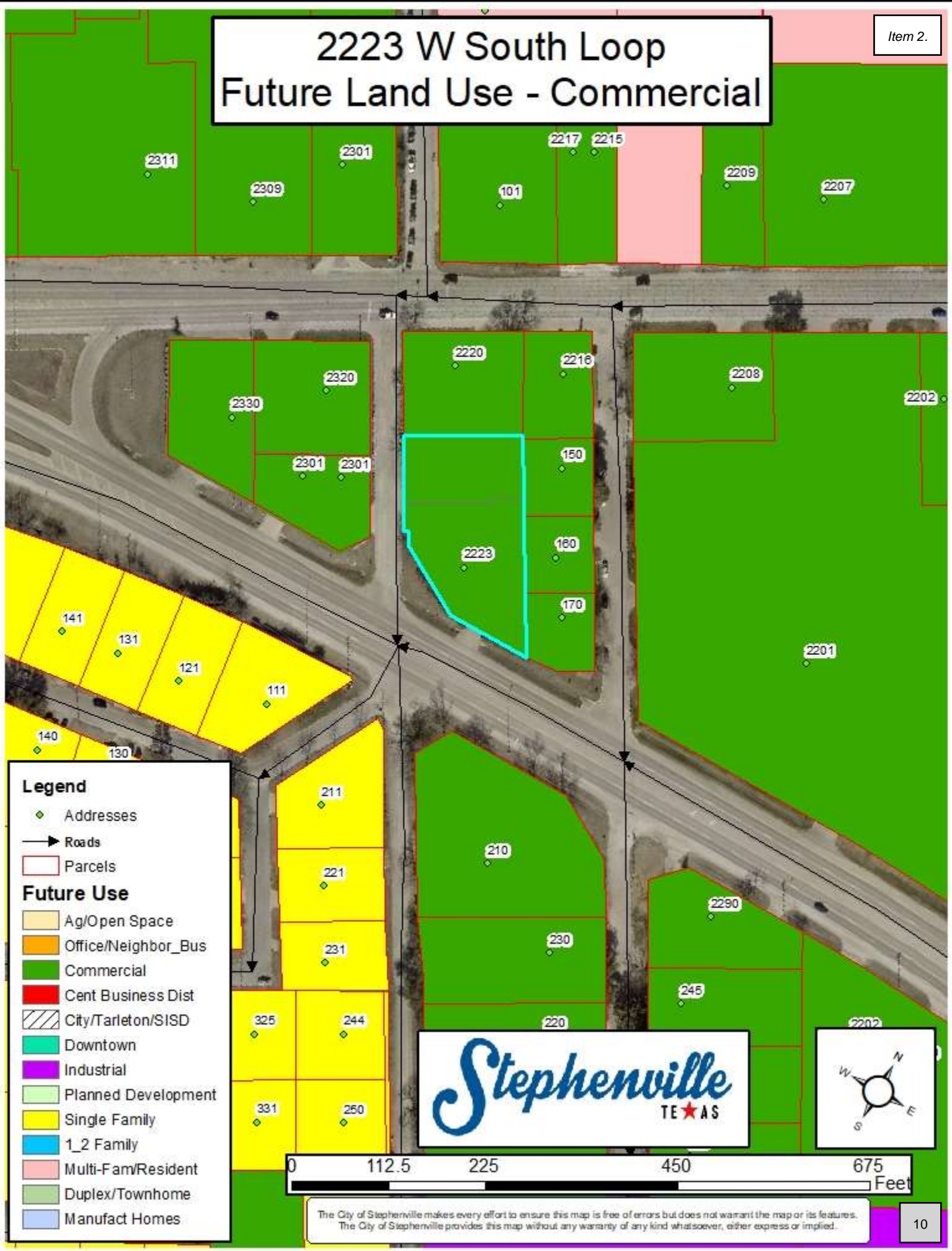
- ◆ Addresses
 - Roads
 - ▭ Parcels
- ZONING**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tareyton, School
 - DT - Downtown
 - IND - Industrial
 - PD - Planned Development
 - R-1 - Single Family - 7,500
 - R-1.5 - Single Family - 8,000
 - R-2 - One and Two Family
 - R-2.5 - Integrated Housing
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre



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2223 W South Loop Future Land Use - Commercial

Item 2.



Legend

- ◆ Addresses
- Roads
- ▭ Parcels

Future Use

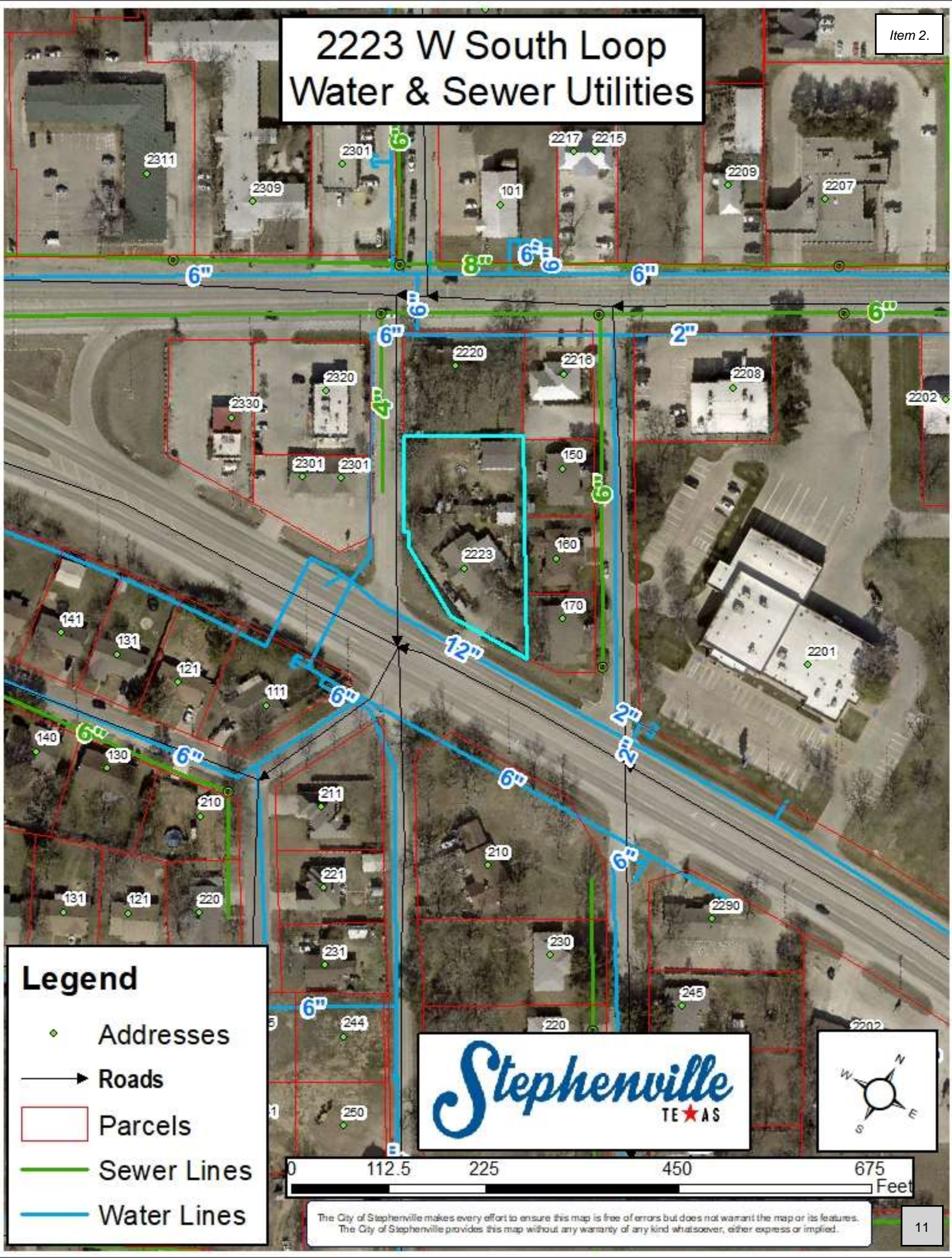
- ▭ Ag/Open Space
- ▭ Office/Neighbor_Bus
- ▭ Commercial
- ▭ Cent Business Dist
- ▭ City/Tarleton/SISD
- ▭ Downtown
- ▭ Industrial
- ▭ Planned Development
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- ▭ 1_2 Family
- ▭ Multi-Fam/Resident
- ▭ Duplex/Townhome
- ▭ Manufact Homes



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2223 W South Loop Water & Sewer Utilities

Item 2.



Legend

- ◆ Addresses
- Roads
- Parcels
- Sewer Lines
- Water Lines



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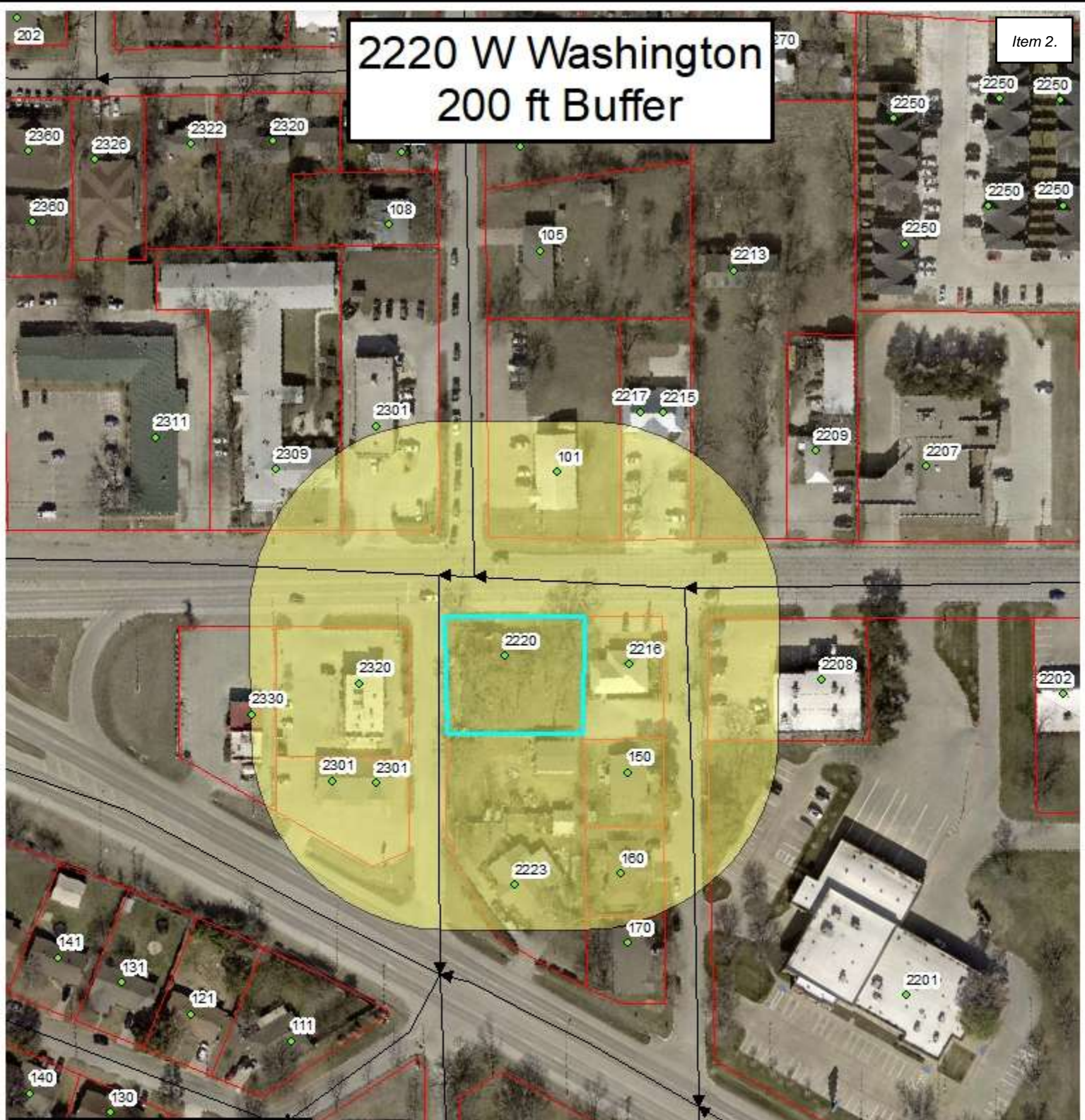
2223 W South Loop Address List

Item 2.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000030372	2216 W WASHINGTON	DOGGETT KELLY SMITH & TAWNIA LAJEAN	115 BYRON NELSON	STEPHENVILLE	TX	76401
R000030467	210 MEADOR LN	DORRIS PEGGY	210 MEADOR LN	STEPHENVILLE	TX	76401-3916
R000030368	2220 W WASHINGTON	FENNER D'LAYNA ANN	1720 MARSHALL RD #47	BOULDER	CO	80305
R000061538	2320 W WASHINGTON	FUGATE J LARRY REVOCABLE TRUST	208 S MAIZE RD	WICHITA	KS	67209
R000030371	2208 W WASHINGTON	GRIFFIN LOYAL MARTIN JR TRUST	39 PENINSULA RD	BELVEDERE	CA	94920
R000061537	2301 W SOUTH LOOP	PEACOCK INVESTMENTS LLC	1279 DIANA LANE	STEPHENVILLE	TX	76401
R000072144	211 CHOCTAW DR	PLUMLEE JANE E	PO BOX 33	CYPRESS	TX	77410
R000034522	111 SEMINOLE	REYNOLDS KAREN LYNN & BRENT ANDREW JONES	111 SEMINOLE	STEPHENVILLE	TX	76401
R000030462	170 MEADOR LN	ROCK HOUSE RESIDENTIAL PROPERTIES LTD	PO BOX 953	STEPHENVILLE	TX	76401
R000030374	150 MEADOR LN	ROCK HOUSE RESIDENTIAL PROPERTIES LTD	PO BOX 953	STEPHENVILLE	TX	76401
R000030463	160 MEADOR LN	SMITH CHERYL	120 BRITTAINE CIRCLE	STEPHENVILLE	TX	76401
R000030369	2223 W SOUTH LOOP	SPARKS DONALD & MARY	2223 W SOUTH LOOP	STEPHENVILLE	TX	76401
R000030370	2201 W SOUTH LOOP	STEPHENVILLE BANK & TRUST	PO BOX 998	STEPHENVILLE	TX	76401-0000
R000030388	2330 W WASHINGTON	ZACHERY CHARON L	649 E LONG	STEPHENVILLE	TX	76401

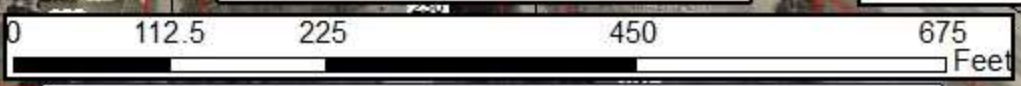
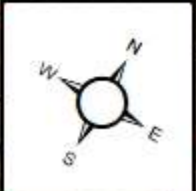
2220 W Washington 200 ft Buffer

Item 2.



Legend

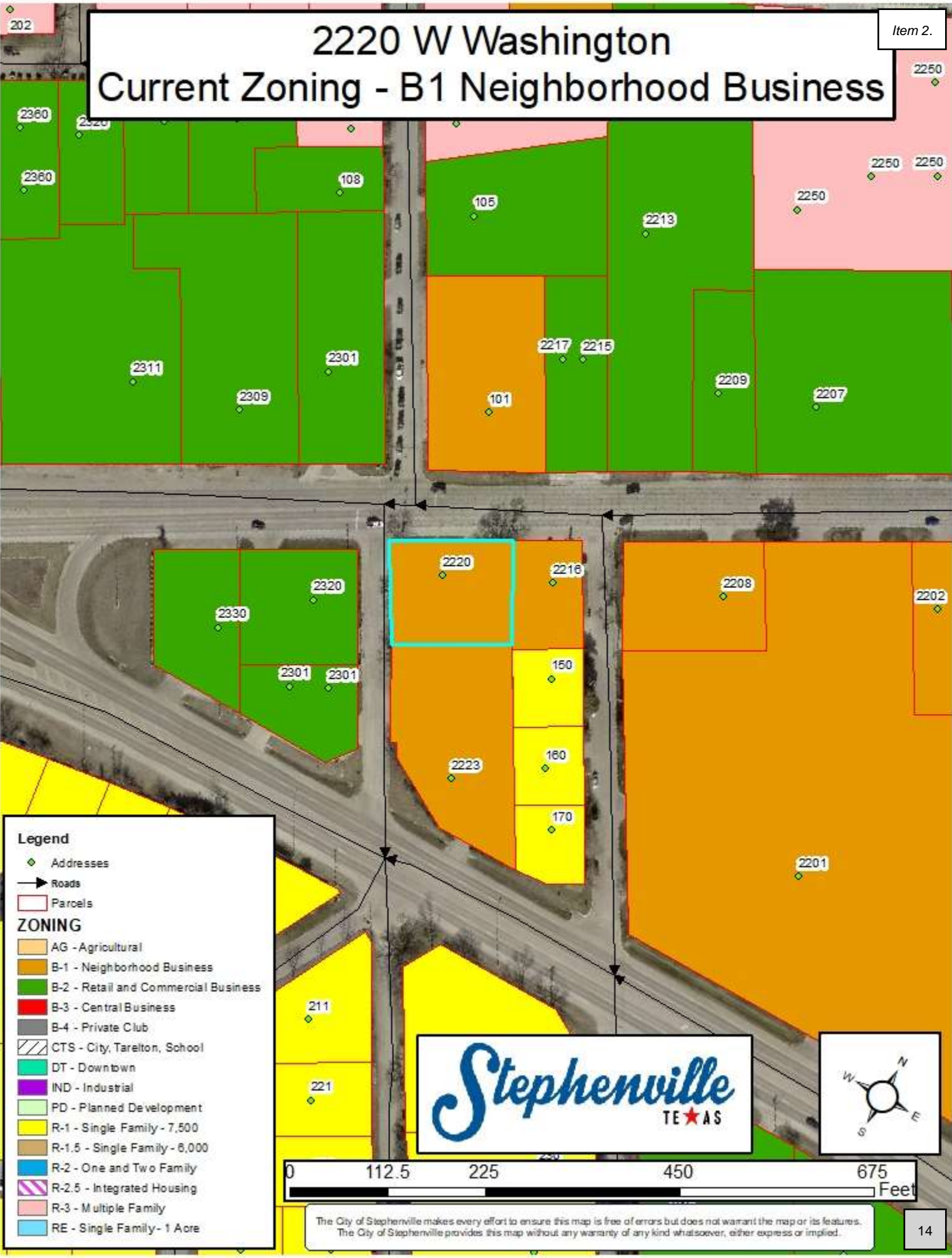
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- 200 ft Buffer
- Parcels



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2220 W Washington Current Zoning - B1 Neighborhood Business

Item 2.



Legend

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- ▭ Parcels

ZONING

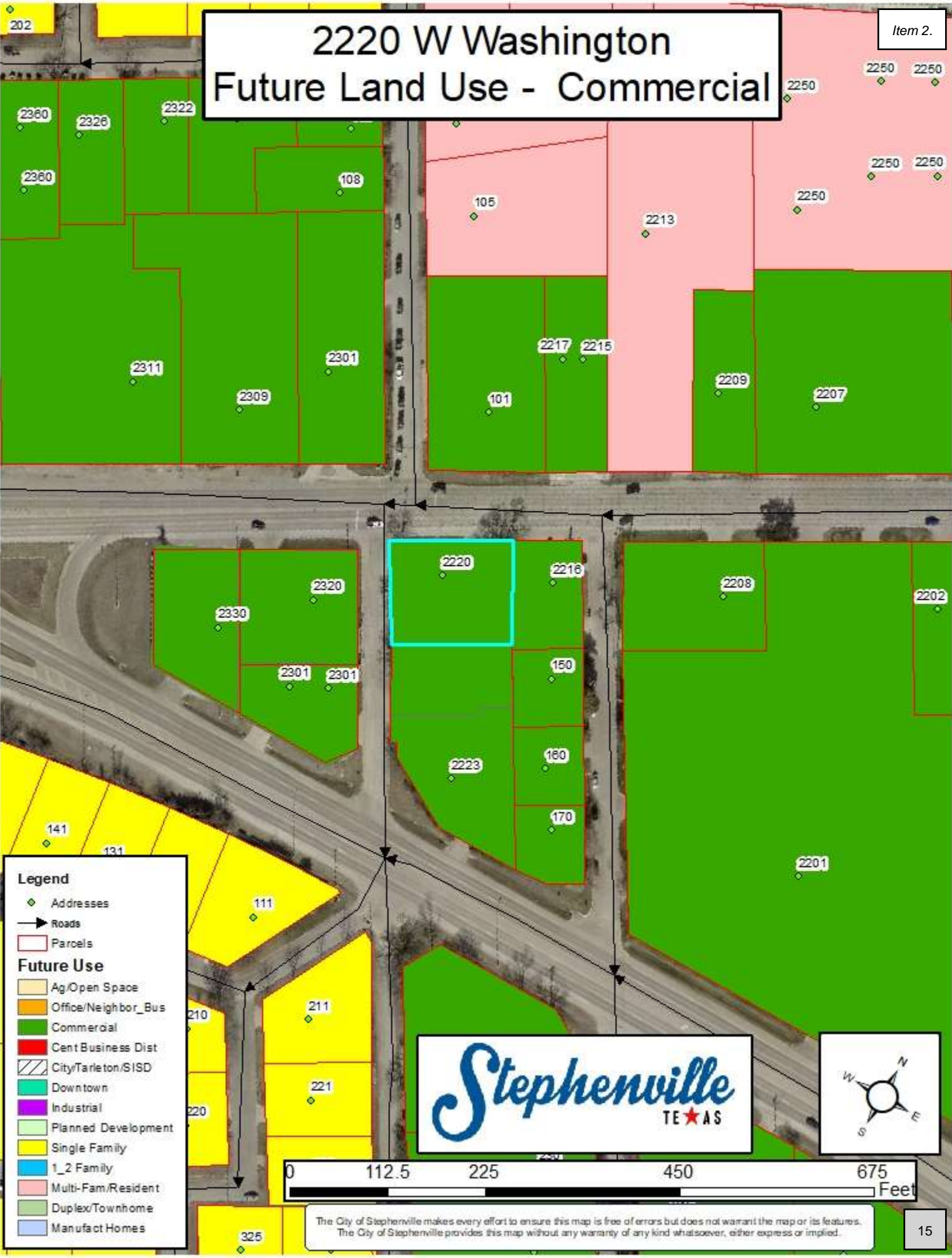
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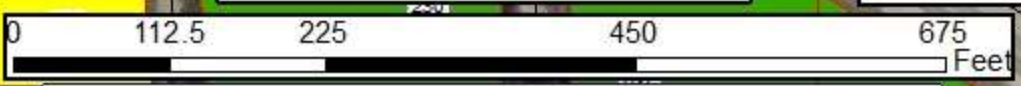
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2220 W Washington Future Land Use - Commercial

Item 2.



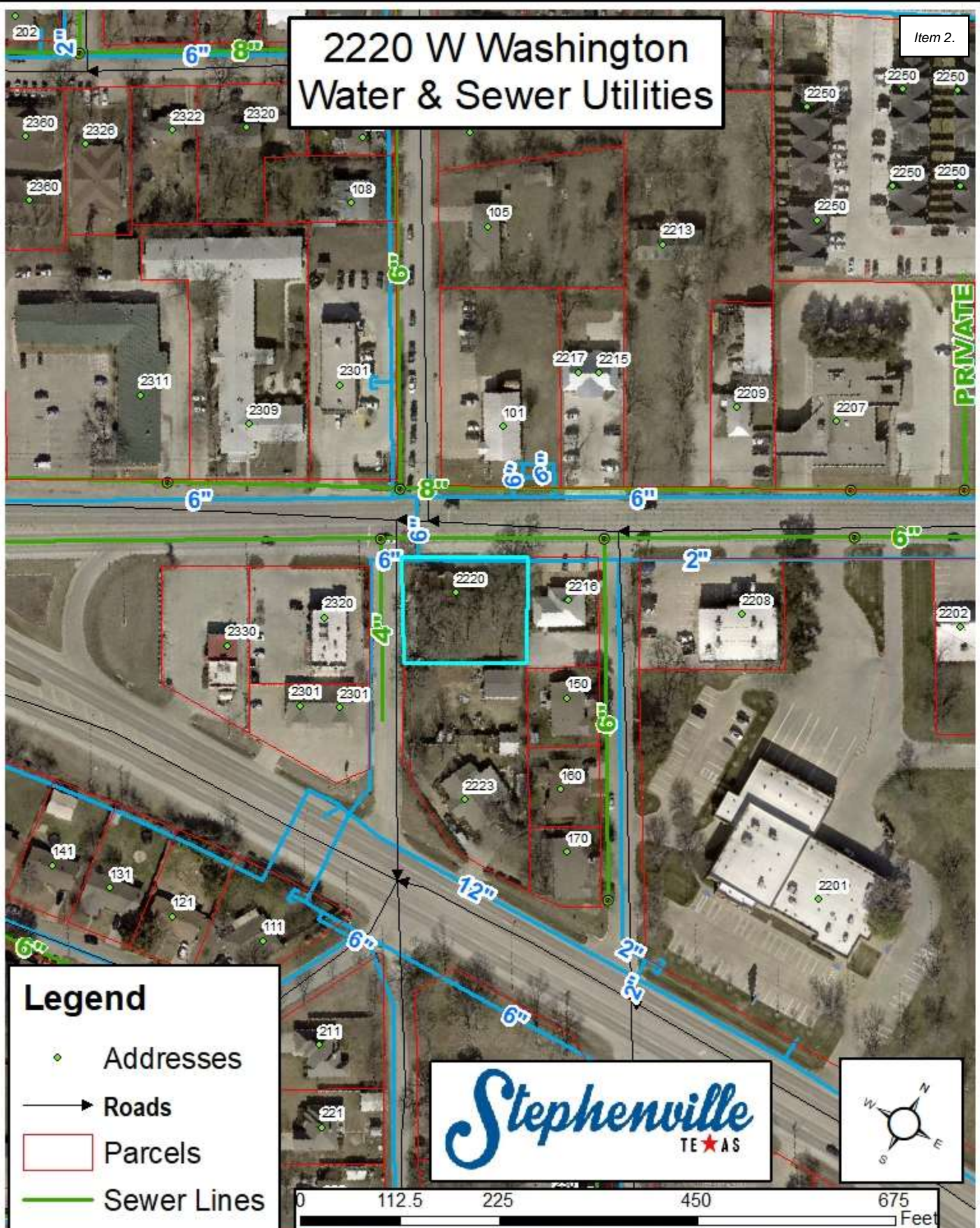
- Legend**
- ◆ Addresses
 - Roads
 - ▭ Parcels
- Future Use**
- Ag/Open Space
 - Office/Neighbor_Bus
 - Commercial
 - Cent Business Dist
 - City/Tarleton/SISD
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 - Single Family
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 - Duplex/Townhome
 - Manufact Homes



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2220 W Washington Water & Sewer Utilities

Item 2.



Legend

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2220 W Washington Address List

Item 2.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000030390	2301 W WASHINGTON	ABILENE TRISTAR CORPORATION	2301 W WASHINGTON	STEPHENVILLE	TX	76401-3805
R000030391	2309 W WASHINGTON	CARING HEARTS FOR CHILDREN	402 INDIAN CREEK DR	COMANCHE	TX	76442
R000030372	2216 W WASHINGTON	DOGGETT KELLY SMITH & TAWNYA LAJEAN	115 BYRON NELSON	STEPHENVILLE	TX	76401
R000030346	2215 W WASHINGTON	FAMBROUGH STEPHEN E	2215 W WASHINGTON	STEPHENVILLE	TX	76401
R000030368	2220 W WASHINGTON	FENNER D'LAYNA ANN	1720 MARSHALL RD #47	BOULDER	CO	80305
R000061538	2320 W WASHINGTON	FUGATE J LARRY REVOCABLE TRUST	208 S MAIZE RD	WICHITA	KS	67209
R000030371	2208 W WASHINGTON	GRIFFIN LOYAL MARTIN JR TRUST	39 PENINSULA RD	BELVEDERE	CA	94920
R000030345	101 N DALE	M B EYE CARE MANAGEMENT LLC	7115 S US281	STEPHENVILLE	TX	76401
R000061537	2301 W SOUTH LOOP	PEACOCK INVESTMENTS LLC	1279 DIANA LANE	STEPHENVILLE	TX	76401
R000030462	170 MEADOR LN	ROCK HOUSE RESIDENTIAL PROPERTIES LTD	PO BOX 953	STEPHENVILLE	TX	76401
R000030374	150 MEADOR LN	ROCK HOUSE RESIDENTIAL PROPERTIES LTD	PO BOX 953	STEPHENVILLE	TX	76401
R000030463	160 MEADOR LN	SMITH CHERYL	120 BRITAIN CIRCLE	STEPHENVILLE	TX	76401
R000030369	2223 W SOUTH LOOP	SPARKS DONALD & MARY	2223 W SOUTH LOOP	STEPHENVILLE	TX	76401
R000030370	2201 W SOUTH LOOP	STEPHENVILLE BANK & TRUST	PO BOX 998	STEPHENVILLE	TX	76401-0000
R000030344	2213 W WASHINGTON	TIP AND TUCK PROPERTIES LLC	2209 W WASHINGTON	STEPHENVILLE	TX	76401
R000030388	2330 W WASHINGTON	ZACHERY CHARON L	649 E LONG	STEPHENVILLE	TX	76401