

STATE OF TEXAS

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COUNTY OF WISDOM

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ZONING BOARD OF ADJUSTMENT

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CITY OF REASON

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Order in the Matter of: APPL-2017-011
Plea in Abatement & Plea to the Jurisdiction
on the Question of Standing

NOW COMES the Zoning Board of Adjustment for the City of Reason, Texas, and finds as follows concerning an Appeal of an Administrative Decision regarding the determination that a pump station for crude oil is a “Utility Services, Intermediate Use”, Brett A. Miller, *Applicant*, on behalf of Bonanza, LLC, *Property Owner*, in regards to 123 Rabbit Hole Trail, Flawed Enterprise, LLC.

1. As a preliminary matter, the Board addresses the procedural question of standing, and whether the Applicant is eligible to bring this appeal.
2. Under state law, the following persons may appeal to the Board a decision made by an administrative official:
 - a. a person aggrieved by the decision; or
 - b. any officer, department, board or bureau of the municipality affected by the decision. Tex. Loc. Gov’t Code § 211.010(a).
3. A public hearing was conducted before the Board at which written submittals were considered in conjunction with oral argument and verbal testimony, all of which is admitted into the official public record for this matter.
4. The Board carefully considered whether the Applicant is interested, affected or aggrieved, as those terms have been defined by the law of this state.
5. Having weighed the evidence, the Board finds that the Applicant has not established facts sufficient to confer standing to bring this appeal by proof of particular injury or damage other than as a member of the general public.
6. Furthermore, the Board finds that the harm asserted by the Applicant is hypothetical and speculative, but not supported by the facts in evidence before the Board.
7. Therefore, the Board finds that:
 - a. the Applicant is ineligible to bring this appeal; and

- b. the objections of the City and Flawed Enterprise are sustained; and
- c. this appeal is hereby dismissed for lack of standing.

PASSED & APPROVED by the Zoning Board of Adjustment for the City of Reason, Texas, by a vote of **5** *for*, **0** *against*, and **0** *abstentions*, on this, Friday the 13th day of May, 2017.

ZONING BOARD OF ADJUSTMENT:

John Doe, Vice-Chairperson
May 13, 2017