

MINUTES OF THE REGULAR
MEETING ZONING BOARD OF
ADJUSTMENT

November 1, 2021

A. CALL TO ORDER

A pre-meeting meeting of the City of Keller Zoning Board of Adjustment was called to order at 6:37PM by Chairperson Gilpin. The following members were present:

Chairperson Matthew Gilpin

Michael McClement

Bill Schlegel

Robin Burrill

Gregory Will- Alternate

Board Members Rodger Ehrlish and Bonnie Bueter were absent.

Staff present was Patricia Sinel, Senior Planner; Payne Randall, Building Official, Chase Castleberry, Code Compliance Officer II, and Amy Botcher, Planning Technician.

B. ADMINISTRATIVE COMMENTS

No questions or comments.

C. DISCUSS AND REVIEW AGENDA ITEMS

1. Approval of Minutes from August 2, 2021.

No questions or comments.

2. Public Hearing to consider two variances for 816 Gallant Fox Trail.

Senior Planner Sinel gave a brief description of the item.

Board Member Schlegel asked if this was a replacement fence. He also asked how wide the grass strip was to the sidewalk.

Senior Planner Sinel responded it was a new house and new fence. She added the grass strip was approximately six to eight inches.

Board Member Burrill asked Staff to confirm the front of the fence was approximately 10-feet due to the grading.

Board Member Schlegel stated his concern in moving the fence and creating a ditch type area between the fence and the retaining wall.

Board Member Will asked Staff if issues like this could be caught upon submittal.

Payne Randell, Building Official, responded there was a minimum requirement of three foot on the grading plan before a separate retaining wall permit was required.

Senior Planner Sinel added Public Works was in support of the fence being placed on top of the retaining wall.

The Building Official added putting the fence next to the retaining wall could cause issues for the drainage areas such as clogs with debris.

C. ADJOURN

Chairperson Gilpin adjourned at 7:01PM.

Regular Meeting 7:00 P.M.

A. CALL TO ORDER- Chairperson

A regular meeting of the City of Keller Zoning Board of Adjustment was called to order by Chairperson Gilpin at 7:03PM.

B. PLEDGE OF ALLEGIANCE

Board Member McClement led the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag.

C. NEW BUSINESS

1. [Consider approving the minutes from August 2, 2021.](#)

There were no questions or comments.

Board Member Will moved to approve the minutes as written. Board Member Schlegel seconded, and the motion carried unanimously.

2. [PUBLIC HEARING: Consider two variances to Section 8.11 \(C\) of the Unified Development Code \(UDC\). The property is approximately on 0.83-acres, situated southwest of the intersection of Sir Barton Trail and Gallant Fox Trail, legally described as Lot 6, Block D of Gean Estates, zoned SF-36 and addressed as 816 Gallant Fox Trail. Donita Rotherham, Applicant/Owner. \(ZBA-21-0005\)](#)

Senior Planner Sinel stated the Applicant requested a variance to the fence height requirement to allow an eight-foot-tall privacy fence adjacent to Sir Barton Trail. The applicant also requested a variance to the four-foot setback from the property line requirement.

She said Section 8.11 (C) of the UDC stated fences adjacent to a street must be inset a minimum of four feet (4') from the property line. The proposed fence (as built) was located on the property line, on top of the retaining wall. She added Section 8.11(B) stated the maximum height of fences for corner lots was six feet for side fences and rear fences adjacent to a street. Solid fences for side and rear yards may be allowed on the property line when such fence was not adjacent to a street. The fence height (as built) is eight feet tall from the top of the retaining wall. Height from grade transitions from 8' to 10'.

Senior Planner Sinel stated Staff supported the request. The lot had topography concerns and was unique due to the location of the retaining wall adjacent to the sidewalk, along the property line, with the sidewalk at a higher grade than the Applicant's lot. She said Staff had two recommendations; allow the applicant leave the fence on the retaining wall, but reduce the fence height to 6' or remove the fence from the retaining wall but place the 8' fence immediately adjacent to the south side of the retaining wall. Both recommendations would involve transitions between fence panels of different heights for the Applicant's fence and the adjacent property owner's fence.

Chairperson Gilpin asked if the Applicant had anything to add.

Donita Rotherham, applicant, stated she was willing to work with Staff on recommendations.

Chairperson Gilpin opened the public hearing.

Trisha Wood, 817 Secretary Trail stated she was in support.

Norm Folger, 809 Secretary Trail, stated he was in support.

Board Member McClement asked the Applicant if the HOA told her what the required material and height was.

The Applicant responded she was told cedar wood but not a height.

Board Member Will moved to close the public hearing. Board Member Burrill seconded, and the motion carried unanimously.

Chairperson Gilpin stated the hardship was the retaining wall. He added his support for the fence to be located on the retaining wall, however, had concern with the overall height.

Board Member Schlegel agreed with Chairperson Gilpin.

Board Member Schlegel moved to approve Item C (2) with conditions allowing the fence to remain on the retaining wall and maximum height of the fence to be 6-feet from the top of retaining wall, Board Member Burrill seconded, and the motion carried unanimously.

E. ADJOURN

Board Member McClement moved to adjourn at 7:23PM. Board Member Burrill seconded the motion. The motion passed unanimously.