

To: Zoning Board of Adjustment

From: Justin Wilkins, Building Official (BO)

..Title

PUBLIC HEARING: Consider an application requesting a variance to Section 9.08.(F) in the Unified Development Code (UDC) which states wood, barbed wire, or chain link fencing is prohibited unless specifically requested on a site plan and approved by the City Council. When a site plan is not applicable, the Zoning Board of Adjustment may consider variances to this requirement, on approximately 1.3320-acres, located approximately 760 feet west of the Keller Parkway and Bourland Road intersection, legally described as Block A, Lot 1, of Rhima Shops Addition, zoned Retail and addressed as 525 Keller Parkway. Rhima, Motaz, Applicant/Owner. (ZBA-2410-0004)

..Body

Request:

The Applicant is requesting a variance to allow wood on a recently-constructed fence on the property at 525 Keller Parkway, in the Retail Zoning District.

Background: On August 26, 2024, City Staff was made aware of a fence that was built without a permit with a wood component on the subject property. The Applicant/Owner was notified they would need to request for a variance as a permit could not be retroactively issued due to the materials used in the construction.

UDC Section 9.08 – Fencing requirements in Multi-family and non-residential districts, subsection (F) states “wood, barbed wire, or chain link fencing is prohibited unless specifically requested on a site plan and approved by the City Council. When a site plan is not applicable, the Zoning Board of Adjustment may consider variances to this requirement.”

The Applicant recently made some cosmetic upgrades to the existing structure on the property, and was issued a Certificate of Occupancy on May 16, 2024 for an office use.

Citizen Input:

On October 24, 2024, the City mailed out 29 Letters of Notification to all property owners within 200’ of the subject property for this Public Hearing.

Staff has not received any response from the public regarding this request.

Summary:

Section 8.02 (C)(6) of the UDC states that when considering a variance request, the following Zoning Board of Adjustment shall Use the following criteria:

- 1) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;

- 2) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
- 3) That the relief sought will not injure the permitted use of adjacent conforming property; and
- 4) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

Authority of the Board:

Each case before the Board of Adjustment must be heard by at least seventy five percent (75%) of the Board members. The concurring vote of four (4) members of the Board is necessary to:

- 1) Approve as submitted
- 2) Approve with modified or additional condition(s)
- 3) Deny

Supporting Documents:

- Maps
- Staff Attachment - Application and information
- Staff Attachment - Staff Photos