City of **KELLER**

1. State the section of the Unified Development Code or Describe the regulation for which you are requesting a variance:

9.07.C.1. Fence shall be a minimum of 4' from the property line.

2. Describe how your request will differ from the requirement(s) of the Code:

Our request differs from the Code requirement in that our fence is not set back 4 feet from the property line along the side of our property. However, the 4-foot setback requirement is only applicable in cases where there is a bar ditch, and my understanding is that this provision applies only to the front of the property—not the side.

Our fence remains within our property boundaries and follows the existing alignment that has been in place since we moved in. Additionally, the placement is consistent with the majority of neighboring properties along Bear Creek Parkway, many of which also do not appear to have a 4-foot setback based on sidewalks and other markers.

3. Describe how the situation causing the hardship or difficulty is neither self imposed nor generally affecting all or most properties in the same zoning district:

The hardship is not self-imposed, as we simply rebuilt our fence in the same location it has been since we moved in, making only minor adjustments to avoid a gas line and an oak tree while remaining within our property boundaries. We were unaware of any setback issues until recently, as the fence placement has been consistent with the majority of neighboring properties along Bear Creek Parkway.

This situation does not generally affect all properties in the same zoning district.

4. Describe how literal enforcement of the regulation will create an unnecessary hardship or practical difficulty in the development of this property:

Literal enforcement of the 4-foot setback regulation would create an unnecessary hardship by requiring us to relocate our fence further into our property, reducing our usable yard space and disrupting the functional layout we have maintained since moving in. This would also create an inconsistency with the majority of neighboring properties along Bear Creek Parkway, whose fences align similarly to ours and do not appear to meet the 4-foot setback requirement.

Additionally, moving the fence inward would require us to address several trees and other existing features within our property, potentially leading to unnecessary tree removal, landscaping disruptions, and additional costs. Given that we have already made minor adjustments to accommodate utilities and trees while staying within our property line, further modification would impose unnecessary costs and disruption without any clear benefit.
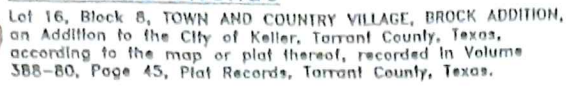
5. Explain how the variance requested will not negatively impact the adjacent property:

Our fence does not encroach upon or interfere with any neighboring properties, nor does it create any adverse effects such as water runoff or structural concerns. Since the fence aligns with existing neighborhood fencing patterns, granting this variance will maintain visual and functional consistency within the area, ensuring no negative impact on adjacent properties.

6. Explain how the granting of the variance will be in harmony with the spirit and purpose of the regulation:
Granting this variance will be in harmony with the spirit and purpose of the regulation because our fence placement does not create any public safety concerns, visibility obstructions, or drainage issues.

Our fence remains within our property boundaries and aligns with the majority of neighboring fences along Bear Creek Parkway, maintaining consistency within the community. Approving this variance would uphold the intent of the regulation while allowing for a reasonable and practical use of our property without unnecessary disruption.

413 Anita Avenue

Lot 16, Block 8, TOWN AND COUNTRY VILLAGE, BROCK ADDITION,
an Addition to the City of Keller, Torrant County, Texas,
according to the map or plat thereof, recorded in Volume
388-80, Page 45, Plat Records, Torrant County, Texas.

Independence Title

LEGEND

- ○ 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- ○ 1" PIPE FOUND
- ⊠ "X" FOUND/SET
- ⊕ 5/8" ROD FOUND
- ✛ POINT FOR CORNER
- ⊐ FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- ▣ COLUMN
- ● POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- TELE TELEPHONE PEDESTAL
- BL BUILDING LINE
- AE AERIAL EASEMENT
- SSE SANITARY SEWER EASEMENT
- GM GAS METER
- WM WATER METER
- LP LIGHT POLE
- UE UTILITY EASEMENT
- —OHP— OVERHEAD ELECTRIC POWER
- —OES— OVERHEAD ELECTRIC SERVICE
- —O— CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- —ɪᴜ— IRON FENCE
- —X— BARBED WIRE
- —☐— DOUBLE SIDED WOOD FENCE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- CONCRETE
- COVERED AREA
- BRICK
- STONE

LOT 14

LOT 15

4.1' ON

SOUTH 104.13'

25' BL

1.6' ON

CM

5' UTILITY ESMT.

0.2' ON

16.9'

CATV

1.6' ON

19.8'

23.7'

FRAME SHED WITH FOUNDATION

10' STREET WIDENING ESMT.

25.4'

1.7' ON

5' BL

72.9'

gate

6.0'

LOT 17

EAST 112.00'

0.1' ON

19.4'

LOT 16
ONE STORY BRICK

21.7'

112.00'

1.7' ON

S 89°58'00" W

2.2'
2.2'

4.9'

24.1'

25.1'

5.5'

8.1'

48.8'

25' BL

35.6'

BEAR CREEK PARKWAY

228' TO THE NW CORNER OF LOT 19

CM

1.2' OFF

1.1' OFF

NORTH 104.20'
(BASIS OF BEARINGS)

WATER METER

ANITA DRIVE
PLAT ANITA AVENUE
50' R.O.W.

Fence,
-6ft tall Jap. Cedar side by side
-New 2-3/8ths 13ga Steel Posts on the inside of yard @ street

Variance Request for Fence Setback

Applicant: Alec & Caitlin Meendsen

Property Address: 413 Anita Ave

Date: 03/29/2025

Description of Request:

We are requesting a variance to the City of Keller's fence setback requirement of 4 feet from the property line. Our fence was built in the same location as the previous fence that has been in place since we moved into our home years ago. Minor adjustments were made to avoid a gas line on the back side (moving the fence 1 foot outward) and to avoid an oak tree along Bear Creek Parkway (moving the fence 6 inches to 1 foot outward). The current fence placement is still well within our property boundaries, and it aligns with the majority of neighboring fences along Bear Creek Parkway, many of which are not set back 4 feet from the property line.

See photos below for evidence:
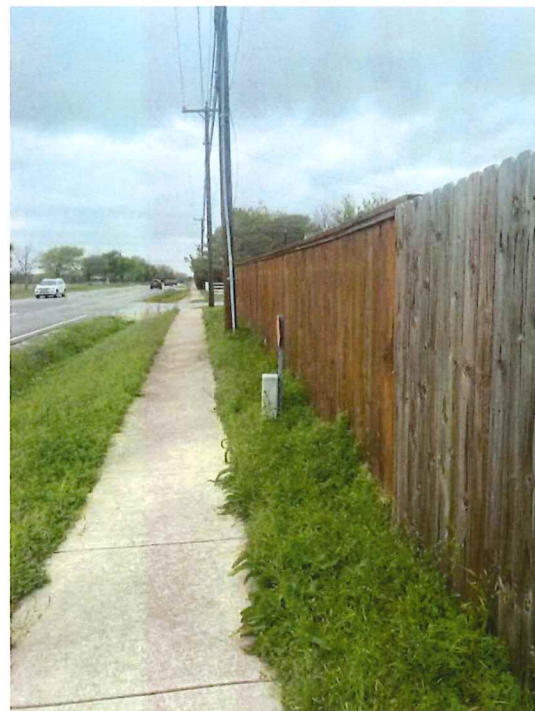
Our fence and the difficulty of moving 4 feet back.
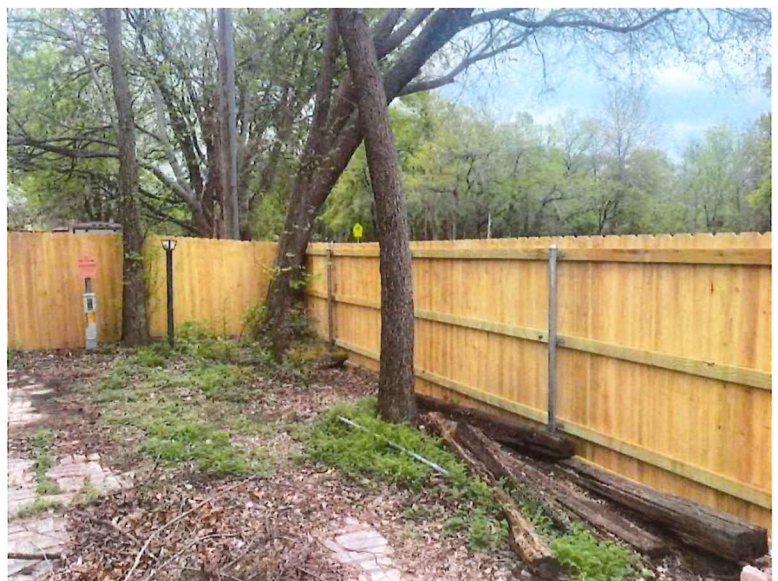
Our backyard neighbor's fence post.

Our neighbor's fence across the street.

Other examples on Bear Creek Parkway with measurements on the following page.

Above fences on Bear Creek Parkway that are less than 3 feet from the property line.