

ORDINANCE NO. 2106

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING THREE SPECIFIC USE PERMITS (SUPS) FOR A DETACHED ACCESSORY BUILDING ON 2.83 ACRES LOCATED ON THE EAST SIDE OF WHITLEY ROAD, APPROXIMATELY 250 FEET NORTHEAST FROM THE INTERSECTION OF WHITLEY ROAD AND HARPER LANE, LEGALLY DESCRIBED AS LOT 1, BLOCK A OF ANDREWS ADDITION, ZONED SINGLE-FAMILY 36,000 SQUARE-FOOT LOT SIZE OR GREATER (SF-36) AND SINGLE-FAMILY 8,400 SQUARE-FOOT LOT SIZE OR GREATER (SF-8.4) AND ADDRESSED AS 1621 WHITLEY ROAD, IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS; PROVIDING A PENALTY; AND AUTHORIZING PUBLICATION.

WHEREAS, Nathan Olmstead, Owner/Applicant, submitted a Specific Use Permit (SUP) application to construct a 4,000-square-foot accessory structure with an average height of 21 feet (SUP-22-0037); and

WHEREAS, the structure will replace an existing 4,032 square-foot barn that has fallen into disrepair that the Applicant intends to demolish; and

WHEREAS, an SUP is required for an accessory structure to exceed 1,200 square feet in the SF-36 zoning district; and

WHEREAS, an SUP is required when all accessory structures exceed 50% of the square-footage of the existing home in the SF-36 zoning district; and

WHEREAS an SUP is required for an accessory structure to exceed an average height of 15 feet tall in the SF-36 zoning district; and

WHEREAS, the City's Planning and Zoning Commission and the City Council, in accordance with the Charter of the City of Keller, State Law, and the ordinances of the City of Keller, have given the required notices and have held the required public hearings regarding the SUP application described in this ordinance; and

WHEREAS, the Planning and Zoning Commission held a public hearing on December 13, 2022 and unanimously recommended approval of the three Specific Use Permits (SUPs); and

WHEREAS, the City Council is of the opinion that the SUPs herein effectuated furthers the purpose of zoning as set forth in the Unified Development Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approval of three Specific Use Permits (SUPs) to allow Nathan Olmstead, Owner/Applicant, to construct an approximately 4,000 square-foot detached accessory structure with an average height of 21 feet, located on 2.83 acres, situated on the east side of Whitley Road, approximately 250 feet northeast from the intersection of Whitley Road and Harper Lane, legally described as Lot 1, Block A of Andrews Addition, zoned Single-Family 36,000 square-foot lot size or greater (SF-36) and Single-Family 8,400 square-foot lot size or greater (SF-8.4) and addressed 1621 Whitley Road as if fully set forth with the following conditions:

1. An SUP for the size of the accessory structure to be approximately 4,000 square-feet and exceed the 1,200 square-foot maximum allowed in the SF-36 zoning district shall be allowed.
2. An SUP for the combined area of all accessory structures on the property to exceed 50% of the existing home shall be allowed.
3. An SUP for the height of the accessory structure to be an average of 21 feet tall, which exceeds the 15-foot height maximum allowed in the City of Keller, shall be allowed.

Section 3: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code and accompanying map thereto, shall be guilty of a misdemeanor and upon final conviction therefore shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 4: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 6 to 0 on this the 17th day of January, 2023.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney