

RESOLUTION NO. 3906

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING A VARIANCE TO THE UNIFIED DEVELOPMENT CODE, SECTION 8.11, FENCING REQUIREMENTS IN RESIDENTIAL ZONING DISTRICTS TO ALLOW A SIX-FOOT (6') WROUGHT IRON FENCE TO ENCROACH INTO THE SIDE YARD BUILDING SETBACK OF A SINGLE-FAMILY RESIDENTIAL PROPERTY, LOCATED ON 0.268-ACRES, ON THE NORTHWEST CORNER OF SAGEBRUSH TRAIL AND RAWHIDE PATH, BEING LOT 9, BLOCK E, NEWTON RANCH PHASE 2A, AT 1529 SAGEBRUSH TRAIL, AND ZONED PD-SF-8.4 (PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL - 8,400 SQUARE-FOOT LOT SIZE MINIMUM), IN THE CITY OF KELLER, TARRANT COUNTY, TEXAS.

WHEREAS, Peggy and Charles Rouh, owner/applicant; has submitted a Unified Development Code variance application (UDC-17-0013), which has been reviewed by City Staff and recommended for approval by the Planning and Zoning Commission by a vote of 5-2.

WHEREAS, The Council finds that the request meets the criteria to grant a variance per Section 2.07 of the Unified Development Code, listed below:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of his land.
- b. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other properties in the area.
- c. That the granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Code.
- d. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.

- e. That strict compliance with the regulations, and/or that the purpose of the regulations will be served to a greater extent by the alternative proposal.

NOW, THEREFORE, BE IT RESOLVED 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, a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a six-foot (6') wrought iron fence to encroach into the side yard building setback of a single-family residential property, located on 0.268-acres, on the northwest corner of Sagebrush Trail and Rawhide Path, being Lot 9, Block E, Newton Ranch Phase 2A, at 1529 Sagebrush Trail, and zoned PD-SF-8.4 (Planned Development - Single Family Residential - 8,400 square-foot lot size minimum), is hereby approved, attached hereto as Exhibit "A", and incorporated herein as if fully set forth, with the following condition:

1. The variance request for a six-foot (6') height wrought iron fence to be located on the east property line shall be allowed.

AND IT IS SO RESOLVED.

Passed by a vote of 6 to 0 on this the 18th day of July,
2017.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney