

To: Zoning Board of Adjustment

From: Justin Wilkins, Building Official (BO)

..Title

PUBLIC HEARING: Consider an application requesting a variance to Section 9.07(B)1. b. (2) of the Unified Development Code (UDC) which requires open-style fencing and a max height requirement of 6 feet for front yards and side yards in front of the main structure. The property is on approximately 2.031-acres legally described as Lot 1, Block 1 of Aikens Subdivision, zoned Single-Family 36,000 square-foot minimum lots (SF-36) and addressed as 132 Mount Gilead Rd. Preston & Judy Sittig, Owner/Applicant. (ZBA-2509-0007)

Request:

The Applicant is requesting a variance to allow a recently constructed wooden privacy fence to remain at the current built height of 8 feet and not be open-style fencing.

Background:

The Applicant received a fence permit on July 21, 2025 that showed the replacement fence only behind the main structure and complied with the fence guidelines in Keller's Unified Development Code.

During the required fence inspection on August 05, 2025, city staff noticed some of the work completed did not match the approved plans and was not in compliance with the UDC. The Applicant/Owner was notified of the issue, and subsequently submitted an application requesting a variance to allow the fence to be 8 feet in height and to allow privacy fencing in front of the main structure. Their request was denied by ZBA on October 5, 2025.

Following the ZBA's decision, the Applicant requested to submit a modified variance application and to go back to ZBA, which was reviewed and agreed to by the City Attorney and City Manager. For the west property line, the variance has not changed; the Applicant requests to allow a privacy fence that is 8 feet in height in front of the main structure. For the east property line, the Applicant requests to allow a privacy fence that is 8 feet in height in front of the main structure, but with approximately 20 feet of open-style fencing that is only 6 feet in height closest to the road. The portion of the fence that is open-style and 6 feet in height meets UDC guidelines.

UDC Section 9.07(B)1.b.(2). – Open-style fence height requirements for front yards and side yards in front of the main structure are as follows: 2) For properties which are located in SF-20, SF-25, SF-30, and SF-36 zoning districts, fence shall not exceed a height of six feet (6') when located in front of the main structure and the property is a half-acre or greater. If the property is less than a half-acre, refer to B(1)(b)(1) of this code.

Citizen Input:

On December 17, 2025, the City mailed out 9 Letters of Notification to all property owners within 200' of the subject property for this Public Hearing.

Staff has received no written 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