

MINUTES OF THE REGULAR  
MEETING ZONING BOARD OF  
ADJUSTMENT

January 3, 2022

**A. CALL TO ORDER**

A pre-meeting meeting of the City of Keller Zoning Board of Adjustment was called to order at 6:33PM by Chairperson Gilpin. The following members were present:

Chairperson Matthew Gilpin

Michael McClement

Bill Schlegel

Robin Burrill

John Birt

Alternate TJ Stack was absent.

Staff present was Katasha Smithers, Planner II; Payne Randall, Building Official, Chase Castleberry, Code Compliance Officer II, and Amy Botcher, Planning Technician.

**B. DISCUSS AND REVIEW AGENDA ITEMS**

1. Approval of Minutes from November 1, 2021.

No questions or comments.

2. Public Hearing to consider a variance at 700 California Trail West.

Board Member Schlegel asked if the previous fence was located in the same location.

Planner Smithers responded it was, however, replacing the existing fence completely required the fence to come into compliance with the current code.

Building Official Randell added replacing two or more sections, made it a replacement.

Board Member Schlegel asked if a contractor or the homeowner replaced the fence.

Planner Smithers stated there was a contractor that applied for the fence and it was denied. She added she did not know if the contractor or homeowner were the one who replaced the fence. She said Staff suggested a four-foot setback for the fence instead of the 25-foot setback the current code required.

Board Member Burrill asked if there was any support from the neighborhood.

Planner Smithers responded Staff did not receive anything, however, there was a resident present in support.

Board Member Birt asked if the applicant was informed not to move forward with the fence before she built it.

Planner Smithers responded the denial was sent when the original contractor was denied.

Chairperson Gilpin briefly discussed changing meeting times for Zoning Board of Adjustments to 5:30PM (pre-meeting) and 6:00PM (regular meeting) instead of 6:30PM and 7:00PM. All Board Members agreed.

Planner Smithers announced Planning and Zoning would be taking a step back from ZBA meetings, and Building Services would be taking over.

**C. ADJOURN**

**Chairperson Gilpin adjourned at 6:51PM.**

**Regular Meeting 7:00 P.M.**

**A. CALL TO ORDER- Chairperson**

A regular meeting of the City of Keller Zoning Board of Adjustment was called to order by Chairperson Gilpin at 7:00PM.

**B. PLEDGE OF ALLEGIANCE**

Board Member McClement led the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag.

**C. NEW BUSINESS**

1. [Consider approving the minutes from November 1, 2021.](#)

There were no questions or comments.

**Board Member Burrill moved to approve the minutes as written. Board Member Schlegel seconded, and the motion carried unanimously.**

2. [PUBLIC HEARING: Consider an application requesting a variance to Section 8.11 \(C\) of the Unified Development Code \(UDC\). The Applicant is requesting a variance to the location of the side yard fence facing Rancho Grande Trail, to be able to place a 6-foot fence adjacent to the sidewalk. The property is approximately on 0.19-acres, situated at](#)

[the intersection of Rancho Grande Trail and California Trail West, legally described as Lot 7, Block 8 of High Chaparral Addition, zoned Single-Family 8,400 square-foot minimum lots \(SF-8.4\) and addressed as 700 California Trail West. Christi Pratt, Applicant/Owner. \(ZBA-21-0006\)](#)

Planner Smithers said the current code Section 8.11 (C)(3)(b)(1) of the UDC stated a solid fence may be placed at a minimum of 25 feet from the side property line facing the street. She added the previous code Section 8.11 (C) of the UDC stated that fences adjacent to a street must be inset a minimum of four feet (4') from the property line. Planner Smithers the variance request was for the proposed fence (as built) to be located on the property line. Staff recommended the fence comply with the previous code's four-foot setback requirement rather than the current code requirement of 25 feet, because both fence applications were processed underneath the previous code.

Chairperson Gilpin asked if the Applicant had anything to add.

Christy Pratt, applicant, stated she originally spoke with a contractor about doing the fence. However, she did not hire the contractor and decided to do the work herself. She explained a friend was helping with the removal when the stop work order was given by the City.

Chairperson Gilpin asked the Applicant is she had legal counsel present.

The Applicant stated she did not.

Chairperson Gilpin asked the Applicant if there were any obstructions in moving the fence back 4-feet.

The Applicant stated there were several sprinkler heads close to the fence.

Planner Smithers stated due to the Applicant applying during the previous code, Staff suggested the 4-foot setback instead of the new 25-foot setback for the fence.

Board Member Schlegel asked the Applicant if she was aware a permit was required.

The Applicant stated she was, however, she thought originally, only contractors had to pull permits.

Chairperson Gilpin asked the Applicant if she replaced the whole fence.

The Applicant stated she did replace the fence but left the existing poles.

Chairperson Gilpin opened the public hearing.

Michael King, 257 Rancho Grande, stated his support for the fence.

**Board Member Burrill moved to close the public hearing. Board Member Schlegel seconded, and the motion carried unanimously.**

Chairperson Gilpin stated the four-foot setback was reasonable.

Board Member Birt expressed his concern was with safety due to the high pedestrian use.

Board Member Burrill stated that ZBA had specific guidelines to be able to grant a variance, and she did not see where the applicant met that criteria. Board Member McClement agreed.

**Board Member Burrill moved to approve Item C (2) with the four-foot setback, Board Member Birt seconded, and the motion carried unanimously.**

**E. ADJOURN**

**Board Member Schlegel moved to adjourn at 7:39PM. Board Member Birt seconded the motion. The motion passed unanimously.**