

To: Zoning Board of Adjustment

From: Justin Wilkins, Building Official (BO)

..Title

PUBLIC HEARING: Consider an application requesting a variance to Section 9.07.(C)1. in the Unified Development Code (UDC) which states in all zoning districts, fences adjacent to a street must be inset a minimum of four feet (4') from the property line except when front property line is adjacent to a bar ditch. The property is on approximately 0.2674-acres, located at the corner of Anita Ln and Bear Creek Pkwy intersection, legally described as Block 8, Lot 16, of Town & Country Village, zoned Residential and addressed as 413 Anita Ln. Meendsen, Alec, Applicant/Owner. (ZBA-2503-0003)

..Body

Request:

The Applicant is requesting a variance to allow a recently constructed fence to remain in the same location in lieu of the moving fence four feet away from property line.

Background: On February 24, 2025, City Staff was made aware of a fence that was replaced without a permit. The fence has been constructed on the property line in instead of the four-foot minimum inset from property line. The Applicant/Owner was notified they would need to request for a variance to allow the fence to remain in the same location as the previous fence because more than 60% of the legal non-conforming portion of the fence was replaced.

UDC Section 9.07(C)1. – In all zoning districts, fences adjacent to a street must be inset a minimum of four feet (4') from the property line except when front property line is adjacent to a bar ditch.

On April 24, 2025, the City mailed out 32 Letters of Notification to all property owners within 200' of the subject property for this Public Hearing.

Staff has not received any 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