

October 3, 2017

The Honorable Mayor McGrail and Members of the City Council  
City of Keller  
1100 Bear Creek Parkway  
Keller, Texas 76248

Dear Mayor McGrail and Members of the City Council:

At your meeting on September 5, 2017, there was discussion regarding the reasoning for the proposed lot line location between the Bourland lot and Lavena lot.



**Both of these lots exceed the minimum lot requirements as defined in the City's UDC.** My client has spent numerous hours working with his architect to design his home around the existing trees in order to save every one of them and incorporate them into the design of the property. My client wants to keep the portable building on the proposed lot facing Lavena. Additionally, during the time of platting, my client intends on having an access easement from the Bourland lot to the Lavena lot in order to have a secondary access to the Lavena lot. We discussed this with the City staff prior to coming before the Planning and Zoning Commission and we were advised to show the proposed access easement at time of platting rather than the zoning process.

### Here are the facts:

- This property was originally platted as two (2) lots.
- Prior to annexation (into the City), a house was moved and placed on the centerline of these two (2) lots. Additionally, a barn was constructed and after annexation, was considered to be encroaching into the required side yard setback.
- In 2008, the property owner purchased the entire property (both lots). The property was now in the corporate limits of the City and had to follow the building codes and zoning requirements. In order for the property owner to remodel the home and add anything to the site, the City required him to replat the property in order to remove the lot line. He acquiesced to those requirements.

My client is wanting to have the two (2) lots again but in a different configuration than what was originally platted. The issues with this property happened well before my client purchased the property and well before the City had land control authority. What is before the City Council now is a request to obtain a Planned Development District on the property. A PD is supposed to be a flexible district in which there is some give and take. The applicant is protecting all of the trees and is also planting additional ones on the site. They have designed a property utilizing the existing structures and incorporating them into the overall theme. The design is such that it will not take away from the rural feel of the area and they have contacted their neighbors to show them the plans. The Planning and Zoning Commission recommended approval of this plan, unanimously. Below is a chart that shows what the owner is proposing as far as the area requirements are concerned.

Minimum Lot Size	Proposed Lot Size(1)	Proposed Lot Size(2)	Difference
36,000 sf	36,230sf	50,600 sf	+230/14,600 sf
Minimum Lot Width	Proposed Lot Width (1)	Proposed Lot Width (2)	
140 feet	230 feet	230 feet	+ 110 feet each
Minimum Lot Depth	Proposed Lot Depth (1)	Proposed Lot Depth (2)	
200 feet	155.10 feet	220 feet	44.9/20

In summary ( in the words of the property owner)

**“I understand that the Council has asked us to consider moving the lot line further back, which means I would need to move the portable building to retain it on the new lot. In response, I spent several hours with a tape measure on site trying to evaluate how to make this happen. Unfortunately, after a lot of energy, I have concluded that this is quite problematic for the following reasons:**

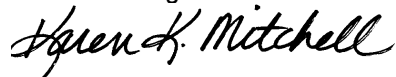
- **As you will note on the aerial photo, the existing storage building is currently built within a significant tree canopy. The Building is about 18 x 12 and 14 feet high. I talked to a company about moving the building and basically, the way they do that is to come in and jack it up and slip a trailer under it to move it. That means that instead of 14 feet, we need 20 plus overhead feet of clearance to relocate it. The current tree it is closest to and overhangs it has large limbs that are lower than 20 feet that would have to be removed, not only damaging the tree but significantly damaging lot aesthetics to allow us to jack it up and slip a trailer under it.**

- Additionally the two clumps of trees closest to the building but not over hanging it have limbs as low as 13 feet, with some of those limbs being in excess of 8 inches in circumference. This means that limbs on at least one if not two additional trees would have to be removed to relocate the building. And those lowest limbs are likewise at about 13 feet off the ground which means additional tree damage and substantial damage to the aesthetics of the trees. Each of these trees are multi trunk that have grown together. One is approximately 6 feet in circumference and the other is approximately 8 feet in circumference. So as you can understand, I am very cautious about doing anything that would damage those trees or put them at risk in any way.
- A substantial storage building is essential to the design of this home because of the nature of our attempting to build “small but spectacular”. In other words, as we transition the barn into a two car garage, with the design features of this home, it will be essential for us to have separate storage for tools, etc.
- Instead of relocating the existing building in response to a shift in lot lines, I evaluated the potential of simply leaving the existing building on the old lot, and building a new building on part of the open space not under a tree canopy to avoid doing anything that may adversely affect other large trees, the storage building becomes an unattractive focal point of the front entry, which significantly adversely affects the aesthetics of the drive up appeal, and has a significant negative impact on home value.

As requested, I have attempted to evaluate the Council’s request to consider an alternative lot line configuration in good faith. Unfortunately, I have concluded that any shift in lot lines creates substantial challenges to the viability of this project. I respectfully request that the Council approve the lot line configuration as originally proposed.”

The architect and I will be at the Council meeting on October 17<sup>th</sup> to answer any additional questions you may have. Thank you for your time and consideration.

With warm regards-



Karen K. Mitchell