

**ARTICLE NINE
Unified Development Code**

Adopted: July 7, 2015



**VARIANCE TO THE UNIFIED DEVELOPMENT CODE (UDC)
APPLICATION**

RECEIVED
AUG 06 2018

SECTION 1. APPLICANT/OWNER INFORMATION
Please Print or Type

BY:

Applicant/Developer: JILRAY LAUNAP
Street Address: 1515 MOUNT GILEAD ROAD
City: KEUER State: TX Zip: 76262
Telephone: 817-431-2286 Fax: 817-337-5954 E-mail: prncessfrg52@gmail.com
Applicant's Status: (Check One) Owner Tenant Prospective Buyer

Property Owner must sign the application or submit a notarized letter of authorization.

Owner: JILRAY LAUNAP
Street Address: 1515 MOUNT GILEAD ROAD
City: KEUER State: TX Zip: 76262
Telephone: 817-431-2286 Fax: 817-337-5954 E-mail: prncessfrg52@gmail.com

Signature of Applicant: [Signature] Date: _____
Signature of Owner: [Signature] Date: _____
Printed Name of Owner: JILRAY M. LAUNAP

SECTION 2. VARIANCE REQUEST(S) INFORMATION

Address or Legal Description: 1515 Mount Gilead Road, Keuer
Lot(s): _____ Block(s): _____ Subdivision Name: _____

Justification for Requested Variance(s): _____

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BY:

A detailed letter of justification and/or exhibits shall accompany this application.
One or more variances can be requested with this application.

Jil and Dominique LAUNAY

1515 Mount Gilead Road
Keller, Texas 76262

To whom it may concern,

This letter is to accompany the Variance Request being submitted by Jilray Launay concerning the property located at 1515 Mount Gilead Road, Keller, TX 76262.

We have lived in Keller since 1995 and moved here because of the quality rural life offered for horse owners. Our children all live here with our grandchildren and it is our desire to remain here as well. To enjoy that 'Small Town Charm' that is part of Keller's selling point as one of the best places to live in the country.

We have seen much of what originally brought us here change over the years with more and more high density housing being allowed. And the beautiful horse properties disappearing. We bought property on Mount Gilead Road in 2004 because of the beauty of this road with its open land, horse properties and custom homes and its historical nature of being part of the Daniel Barcroft property, one of Keller's original residents. **But we are already seeing the changes and threat to this small portion of rural properties with the building of a small community of homes at Liberty Hills on Mount Gilead just down from our home.**

We want to help keep the integrity of the properties along Mount Gilead Road but now hope to downsize by splitting our property into two lots of just over 3 acres and one lot of 1 acre. This decision has not been made lightly but out of necessity to downsize somewhat into a more manageable home and property while being able to keep our horses maintained as well as enjoy the rural life we have there well. We hope to rebuild a new but smaller home on a 3 acre tract by the pond which is one of the few natural ponds on the road.

In Jan of 2018 we submitted the plat, drainage study and other documents to begin the process to plat our property as it has never been done. At that time 'flag lots' were not an issue. Due to miscommunication by all parties...we received a Letter of Denial' for our request.

We are now seeking to resubmit our plat for approval but first must tackle the issue of 'flag lots'. This new UDC code came into play in the interim between the time we first submitted in Jan 2018 and now. **And it has a big impact on owners such as us to use our property in a manner which benefits us best while maintaining the integrity of the area.**

Our property which consists of 7+acres was originally built on in 1969 and the current driveway was put in to reach the original home and barns at the back of the property. We bought the

home and property in 2004. All current perimeter fencing was in place. We put in an 18 ft wide gate at the entrance so that emergency vehicles as well as our horse trailer could reach the existing house, small garage and barn. This has never been an issue that the fire department or any other emergency vehicle would have trouble doing so.

As the years have gone on we fought from 2004-2009 for the City to help us with major flooding issues caused by lack of drainage along Mount Gilead Road and water directed to our property by adjacent properties and uphill construction. Finally in 2009 we found a plan to alleviate these problems ourselves by working with an architect, a drainage specialist and an engineer.

It took us till 2010 for the Keller Director of Public Works to sign off on our plans even tho the building inspector had signed off months before. Before he signed off on this he required with the City Attorney to have us sign a Notarized statement that we would not sue or seek recourse with the City of Keller should the addition to our house and drain work we did on the property ever flood again. We did so knowing our plan would work and it has.

I only bring this up to stress that we love this piece of property and its proximity to our children and grandchildren. But we also as owners want to enjoy full use of it.

There is a portion of our driveway that starts out at 50' wide and narrows to 24.6' for a 213.40' portion of the driveway and then widens out again. Where it widens there is Y shaped driveway which leads to the barn or one to the house with 2 bridges over the 100 year old natural creek which traverses our property. This drive way has served the existing house since 1969 which will sit on a proposed lot of 3.12 acres if we are allowed to plat as sought.

For the City to mandate that we widen the driveway all the way down this 213.40' section will change the lines of division in such a way that we will lose a part of the 3 acres we hope to rebuild on and will cut our one acre lot down thus costing us revenue from selling this. In cutting this down as well it also decreases the appearance and integrity of the properties along Mount Gilead. Plus the cost to us to remove PVC horse fencing, tear up driveways and bridges would be very expensive.

We understand the city's desire to not have 'Flag lots' of small size with multiple long narrow driveways but that is not the case here. This is a very wide driveway that will lead to 3+ acres of property with a house and horse barn.

Perhaps the City needs to look at setting a 'size' on what a flag lot is thus allowing owners with larger tracts of land to utilize their property in a better and more useful manner without compromising the aesthetic look.

You could ask anyone around us and I believe that they would agree that we keep our property well maintained and in keeping with the rural beauty people of Keller have come to enjoy along Mount Gilead Road.

We hope that the City of Keller will see that to not grant this variance will cause unnecessary hardship and be detrimental to our income on the property as well as a hardship in dividing and rebuilding.

Sincerely,

Jil and Dominique LAUNAY

REQUEST OF VARIANCES RELATIVE TO THE REPLAT OF LAUNAY ADDITION

Owner wishes to dedicate the 12.5 ft Right of Way with the consideration on 2A of the UDC for a flag lot reducing down the front width from 50-foot at the entrance to 24.6 -foot width into the lot.

Terms of Dedication

1. Leave existing fence in current location state until such time when Mount Gilead Road proceeds to construction. At said time when the City of Keller has executed contracts with paving contractor then Owner will negotiate with City of Keller on fence relocation. Owner would upkeep said Encroachment Easement area until City of Keller proceeds with future improvements of Mount Gilead Road.
2. The Replat will consist of (3) lots maximum. Owner is seeking to keep said property consistent with the integrity of properties located in North Keller on Mount Gilead Road and to maintain the current development setting.

Submitted by:

Jilray Launay - Owner

1515 Mount Gilead Road

Keller, Texas 76262