

Request for variance on fencing at 8747 Buckner Lane:

We have lived in Keller for the past 17 years and moved to 8747 Buckner Lane on 2/5/18. Previously we have lived in 2 neighborhoods, Chase Oaks and Willis Coves additions, both governed by HOAs. We hired Superior Exteriors to replace the barbed wire/chicken wire fence on both sides of the entrance gate/open fence adjacent to Buckner Lane. We decided on 6 ft pre-stained cedar board on board fencing. We expected the fence contractor to plan and build this fence, filing whatever permit/paperwork was necessary. By all surrounding areas with shabby looking homes, deteriorating railroad tracks (directly across from us), and fencing made from all different types of materials including chain link, chicken wire, dilapidated split rail, etc., we would have never believed that a nice prestained board on board fence would not be permissible. Additionally, the dead end of Buckner Lane already had board on board fencing as the perimeter of Idlewood Estates in Hidden Lakes on our north perimeter. Please see photos attached.

However, we learned recently through a code violation letter that a fence permit was not filed by Jeff Franks, owner of Superior Exteriors, back in March 2018. We were surprised as he had built a fence for us at our previous home in Keller. Immediately, I contacted Jeff and requested that he get the permit filed. He was told that another resident on this street had filed a fence permit for the same type fence and was rejected. This is how the code violation came to us, but not that anyone around us had complained. After learning that this type fence on this 1.16 acre Spann Addition, named after the previous owner who originally built here in 1985, does not follow current fence guidelines in Keller, we were advised to file a variance in order to keep this fence for which we already paid over \$6,000. We are the only residents in this Spann addition other than the Robertsons behind us and fronting Preston Lane, to whom Mr. Spann sold 0.84 acres out of his original 2 acre tract a few years ago.

We are requesting to keep this privacy fence as an exception for the following reasons:

Topography and Location: 1) Buckner Lane is elevated approximately 4 to 5 feet higher than our home. The property from the street slopes down gradually toward our home which sits back 200 or more feet. 2) Our property is the last property on the dead end of Buckner Lane (with pre-existing board on board fencing from Hidden Lakes) so that much of the fence line is actually the side yard due to the layout of our home. We already have 20 ft of open ornamental fence/gate that Mr. Spann had installed for the asphalt entrance into the property on the south end. A 3 ft fence would not provide any screening from traffic nor would open fencing, as was the case with the barbed wire fence previously. Even though there is a sign stating "No Outlet" on this street, many cars/trucks drive down past our home and turn around at the dead end. Since the street is narrow and there is not much room to turn around, headlights shine directly onto our property and home often, thereby causing a nuisance so we decided a solid fence would be best for screening. There are no street lamps on this road, so it is very dark at the dead end. Many drivers use high beams in order to see, making it more of a nuisance with bright headlights. 3) Additionally, the city has not provided any drainage on Buckner Lane; therefore, we believed it necessary to have a solid barrier to keep rainwater from draining down our property from the street. 4) Lastly, at times there are cars that sit at the dead end, usually young people, drinking, smoking, and littering. Our neighbor across from us told me that she picks up beer bottles often. When Mr. Spann had the barbed wire fence, litter was tossed onto the property often. We found much of it as we have cleaned this land for the past 11 months. **Note: We are in SF-36 zone.**

Safety and Privacy: 1) We have a special family hardship which allows for an exception to the current UDC. During this variance process, we asked for some accommodations to discuss this privately, rather than in an open, public forum, but this request was not granted. The Planning and Zoning Commissioners did approve this variance request with a vote of 6 to 1, stating that they agreed we have a special hardship in addition to other reasons stated here. If you would like to receive an explanation prior to the City Council meeting, please feel free to contact us at max_shar_k@yahoo.com or 817-881-0592. We can provide the information to you directly or answer any questions. We appreciate your understanding.

Zone SF-36: Properties in this zone are all very unique and do not conform to the fencing guidelines in my opinion. In developed additions we can understand and appreciate the restriction on fencing the front yard, but on properties such as ours with each property considered its own addition, fence requirements need to be reviewed on a "case by case" basis. Perhaps Keller needs to reconsider fence permitting for these properties with varying size, topography, and unique designs. As stated earlier and shown by the photos attached, this area is rather rural looking where the city has developed around it. There are so many properties around this area that are not in compliance. We have worked very diligently to improve this property since we moved in. Even when Mr. Spann, the previous owner, came by recently to get a box of files they had left behind, he told us "that he really liked the fence and how nice it looked." Every property on this street has a different addition name with different topography and absolutely no uniformity. On our side (west side) homes are set farther back than on the east side where those homes are closer to the street. Many of these properties on the west side have acreage from Buckner Lane to Preston Lane, as the Spanns did originally. There are some newer homes built and being built on the south end of Buckner set closer to the street with less acreage. The residents on this street have requested that the City of Keller install drains on this street and add some lighting, but nothing has been done. Many of us also do not have sewer service from the city, making this somewhat of a rural area while some residents have connected to the city sewer.

After receiving the code violation letter, I asked our neighbors if the fence was a problem. Every neighbor stated that "the fence looks great!" They have given their signatures for approval (see attached). Additionally, photos of our property are attached.

Again, unless everyone is brought into compliance, the current UDC fencing requirements for this zone are excessively stringent. Therefore, it is great news to learn that the city is now taking action to amend the fence permit requirements, especially in SF-36 zone. Even though open space is encouraged, it does not fit in every situation as in our case.

In summary, we request this variance for the fence. If the permit had been filed in the first place before construction and then rejected, for the reasons stated above, we would have requested the variance at that time.

We would appreciate your approval in order to provide the best environment for our family needs. Thank you in advance for your careful consideration!

Max and Sharon Kohanyuk

