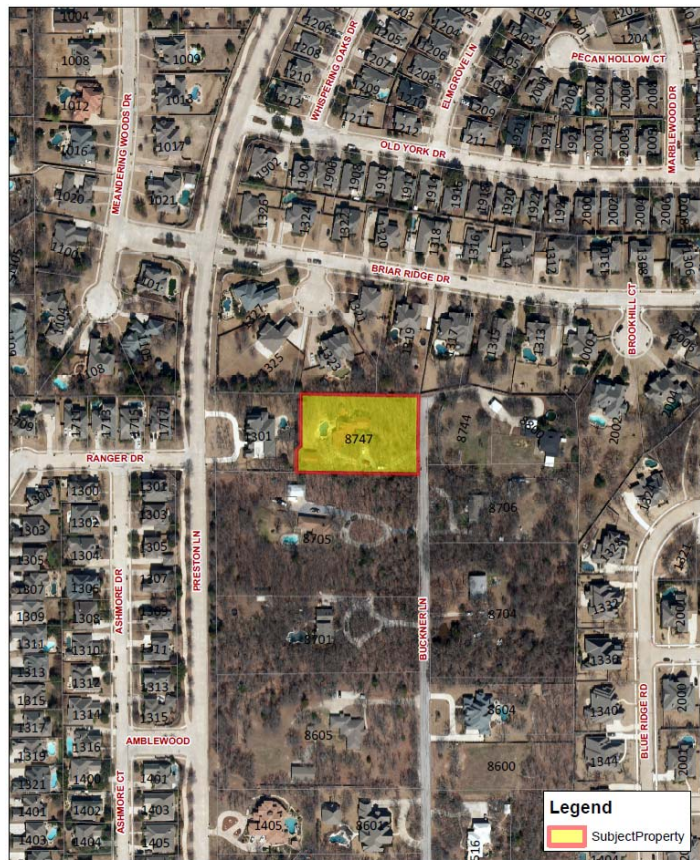


Item H-2

Consider a recommendation for a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a six-foot (6') privacy fence, and ornamental iron fence and gate, to exceed the maximum height of five feet (5') to be located on the property line, located on 1.16-acres, on the west side of Buckner Lane, being Lot 1, Spann Addition, at 8747 Buckner Lane, and zoned SF-36 (Single Family Residential – 36,000 square-foot lot size minimum). Superior Exteriors, Fence Contractor; Maksym & Sharon Kohanyuk, owner. (UDC-19-0003).

H-2 Maps



UDC-19-0003
Fence Variance
8747 Buckner Lane



UDC-19-0003
Fence Variance
8747 Buckner Lane

H-2 (Data)

1. The home was built in 1985 and improvements were recorded with the Tarrant County Appraisal District.
2. The fencing fronting Buckner Road, prior to the construction of the new fence, was barbed wire. When the barbed wire fencing was originally installed, fencing was not regulated and inspected.
3. The current fence was constructed without a permit on March 2018.
4. An anonymous complaint was forwarded to Code Enforcement on January 4, 2019.
5. Code Enforcement mailed out a warning letter on the same date for a fence built without a permit.
6. A second warning letter was generated by Code Enforcement on January 10, 2019, mailed to the owner and the fence contractor.
7. A fence permit was submitted on January 11, 2019 and has since been denied regarding the height and material, leading to this variance request.
8. On January 21, 2019, the applicant applied for a variance.

H-2 Code Enforcement
Permit Review

Permit was denied on 1/18/19

8747 Buckner Lane, Permit #F19-0006

Spann Addn., Lot 1R

Fence Review

Reviewed by: Melinda Hernandez

Date: 01/18/2019

Comments:

1. DENIED-No solid fencing over thirty-six inches (36") in height is allowed in front of the main structure. The fence has already been built by the contractor and must be remediated.

Notice:

- Plans are void without notes attached.
- Inspection required once fence is complete.
- Permits shall conform to City of Keller Building Code and Zoning Requirements
- Corner/ Double Frontage Lots
 - Wood fencing shall not encroach into the side building setback *with the exception of wrought iron fencing that may be located up to 8 ft. from the property line.*
 - Maximum height shall not exceed 6 ft. when adjacent to street; all other areas shall not exceed 8 ft. in height.
 - Finished side of fence shall face street with all hardware on the inside of fence line.
- Fence Adjacent to Park, Trails, or Open Space Areas
 - Must be wrought iron, tubular steel, or similar material (*wood fencing not permitted*).
 - Maximum 6 ft. in height.
- Fences Adjacent to Thoroughfares
 - Shall be cedar material with metal post, cedar bottom and top caps, and stained with ready seal.
 - Finished side of fence shall face street with all hardware on the inside of fence line.
- Allowable Wood Fences Adjacent to Streets, Schools, Parks, or Other Public Spaces.
 - Finished side of fence shall face the public space with all hardware on the inside of fence line.

H-2 Code Enforcement Permit Review (Application)

It is clearly written on the front of the fence permit application, maximum height for fencing in front of the main structure is (3').

Split rail, ornamental metal, tubular steel or open fencing is allowed in front and side yards along property lines on lots and tracts in SF-36 zoning district, max height: (5').

The fence contractor has worked in Keller for several years and knows an application must be completed, fee paid, and reviewed prior to the issuance of a fence permit.

01/11/2019 13:32 (FAX) P.001/003

FENCE PERMIT APPLICATION
BUILDING SERVICES
ADDN: Scott in development

JOB ADDRESS: 8747 Buckner Lane CONSTRUCTION VALUE \$ 3000
CONTRACTOR NAME: Superior Fencing PHONE #: 817-308-8648
If Homeowner is performing the work, please provide in this space.
Contractor Complete Address: 432 Blackhawk Trail Contact: Jeff
Email Address: Superiorfencing@earthlink.net
Homeowner: Jeff Frank Homeowner E-mail Address: _____

Type of Fence (IDENTIFY ONE) ☐ NEW ☒ REPAIR / REPLACEMENT

Wood	Height 6'	Linear Feet 160
Ornamental	Height _____	Linear Feet _____
Other (specify _____)	Height _____	Linear Feet _____

A PLOT PLAN SHALL BE SUBMITTED FOR REVIEW SHOWING LOCATION OF REQUESTED FENCING. SPECIAL RESTRICTIONS MAY APPLY FOR FENCING WITHIN DRAINAGE EASEMENTS. FOR FURTHER INFORMATION AND REGULATIONS REGARDING FENCING, PLEASE REFER TO ARTICLE EIGHT, SECTION 8.11, 8.12 AND 8.13 OF THE UNIFIED DEVELOPMENT CODE, CITY OF KELLER, TEXAS.

- All fences require a permit (new and replacement).
- Barbed wire, electrical or chain link fencing is allowed for farming or ranching purposes only on undeveloped property over 2 acres.
- Maximum height for fencing is as follows:
 - 36" (3') for front yards in front of the main structure
 - 8' for side or rear yards not adjacent to any street, park or trail
 - 6' for side or rear yards adjacent to any street, park or trail
- Split rail, ornamental metal, tubular steel or similar open fencing is allowed in front and side yards along property lines on lots and tracts in SF-36 zoning district maximum height 5'.
- Fences adjacent to parks, trails or open space areas shall be ornamental metal, tubular steel or similar material. No wood fencing shall be allowed behind required open fencing.
- Fences adjacent to drainage channels, floodplain and floodway areas shall be ornamental metal, tubular steel or similar material unless approved by the Director of Public Works or his/her designee.
- All new (or replacement) fences adjacent to a thoroughfare shall be Cedar material with metal posts with Cedar top and bottom caps and stained with Ready Seal or equivalent. Pickets shall be placed on outside of posts and rails and all hardware shall be on inside of fence.
- Allowable wood fences adjacent to streets, schools, parks or other public spaces shall have the finished side facing the public space. All fence posts and structural components shall be placed on the interior of the lot.
- Fence location for double frontage or corner lots shall be as follows:
 - Wood fencing shall not encroach into side or rear yards and shall follow established building lines.
 - Distance shall be reduced to 8' from the property line if ornamental, tubular steel or similar open fencing is used. Wood fencing shall not be allowed behind open fencing.
 - Corner lots adjacent to subdivision screening walls may have fencing outside the building line in order to connect to the wall.
 - Fences adjacent or perpendicular to subdivision screening walls shall not exceed the height of screening walls.



H-2



More open style fencing fronting
Buckner Lane. As mentioned earlier,
Possibly no fencing at all.

H-2



Item H-2



Item H-2



H-2 Analysis

Section 2.07 (A.2) of the UDC states that no variance shall be granted unless City Council finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other properties in the area.
3. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.
4. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.
5. That strict compliance with the regulations, and/or that the purpose of the regulations will be served to a greater extent by the alternative proposal.

H-2 Professional Analysis

Staff sees no reason to believe there are special circumstances or conditions affecting the land in such a way that provisions of the code would deprive the applicant of the reasonable use of the land.

Staff has seen the properties fronting Buckner Lane and all properties have either open fencing or are absent of fencing.

The applicant's fencing does not blend with the open space atmosphere and is not comparable to the surrounding properties.

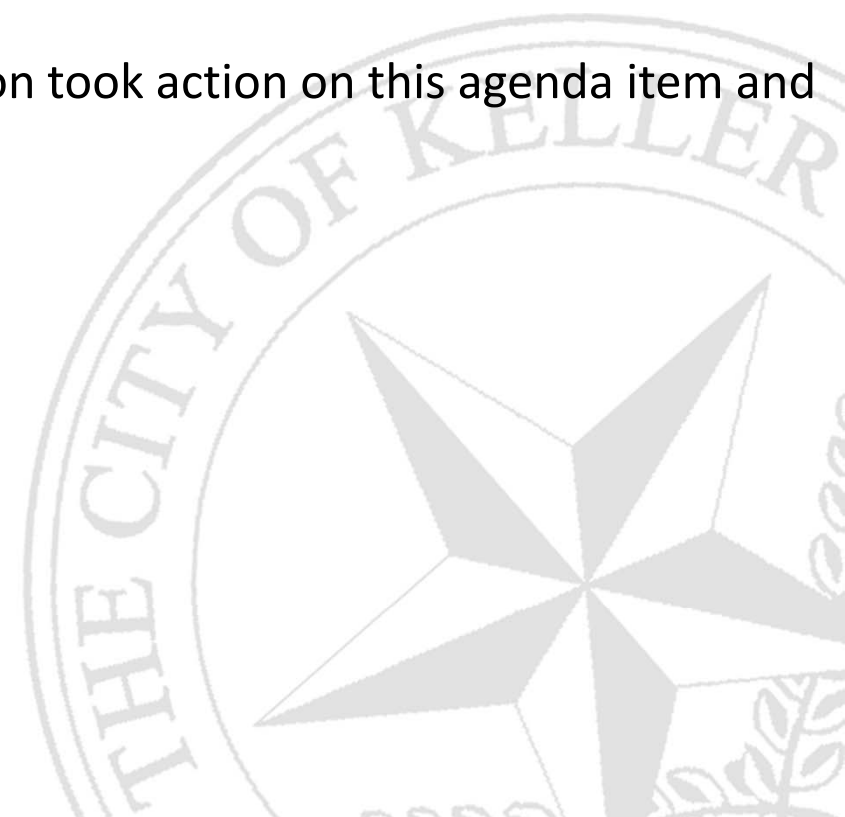
Further, the fence builder is familiar with the fence permitting process and constructed the fence without a permit. An application is finally submitted 8 months after the fence is built, and after Code Enforcement mailed out a letter of violation.

Staff forwards this UDC variance request to the Planning and Zoning Commission for their consideration as presented with the following conditions:

1. To allow a variance to exceed the maximum five foot (5') in height. The applicant wishes for the fence to be six foot (6') in height in front of the primary structure, with a six foot (6') ornamental iron fence/gate for vehicle access.
2. To allow a variance to construct a privacy fence in lieu of the required open fencing.

H-2 Board Opinion

On February 11, 2019, The Planning and Zoning Commission took action on this agenda item and recommended approval by a vote of (6-1).



H-2 City Council Action

City Council has the following options when considering a Variance:

- Approve as submitted (with proposed condition and variance)
- Approve with modified or additional conditions
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny

City of **KELLER**



Questions?
Scott Bradburn
817-743-4125

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