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Consider a resolution 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 to reduce the build line on the rear of the property from 50 feet to 34 feet, and allow an open style five-foot wood fence with thin gauge wire, to be located on the front build line, located on 0.99-acres, on the east side of Roanoke Road, approximately 51 feet from the intersection of Roanoke Road and Melissa Drive, being Lot 1, Block 3, Melody Hills Estates, at 1104 Melissa Drive and zoned (SF-36) Single Family Residential – 36,000 square-foot lot size minimum. Wesley Dede, owner. (UDC-19-0006).

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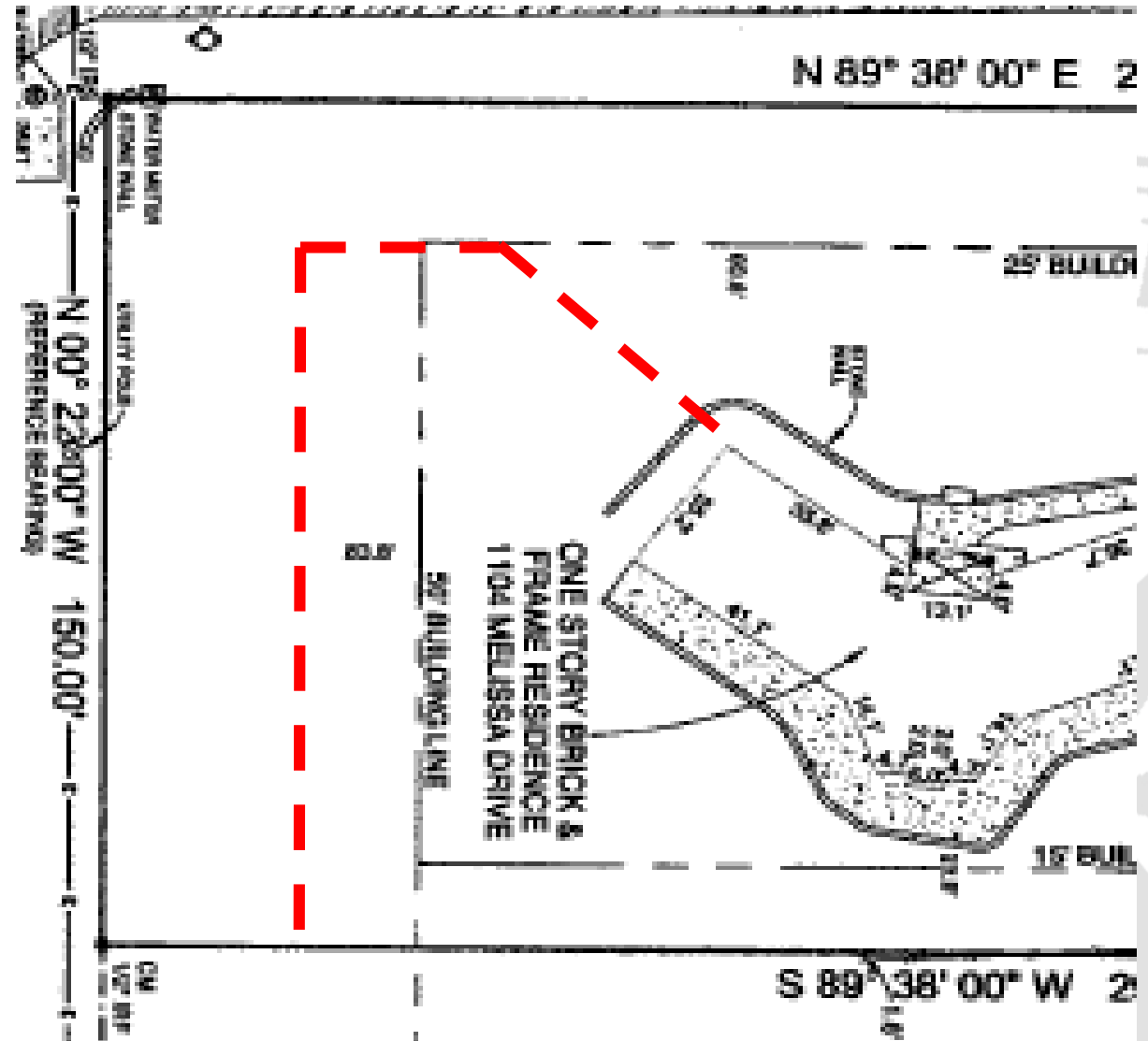


Background

Section 8.11 L(1) of the UDC states that in corner lots or double frontage lots shall be in accordance with the building setback line as shown on the final plat rather than the property line.

The owner is requesting a variance to place a privacy fence to be constructed 34-feet east of the property line rather than at the 50-foot build line shown on the final plat.

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Commission Decision

On April 8, 2019, the Planning and Zoning Commission recommended approval by a unanimous vote.

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

City Council Options

City Council has the following options when considering a UDC application for a variance:

- Approve.
- Approve with modifications or conditions.
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.