

Item I-3

Consider a resolution approving a variance to the Unified Development Code, Section 8.11 (C), Fencing Requirements in Residential Zoning Districts, to allow an existing fence to remain both iron and cedar material for privacy purposes, located on 0.882-acre lot, on the east side of Betty Lane, being Lot 7, Block A, Timberview Estates Addition, at 1109 Betty Lane (Account# 03153479), and zoned Single Family Residential – 36,000 square-foot lot size minimum (SF-36). Polaris LLC, applicant/developer. Don and Lisa Tice, Owners. (UDC-19-0005)

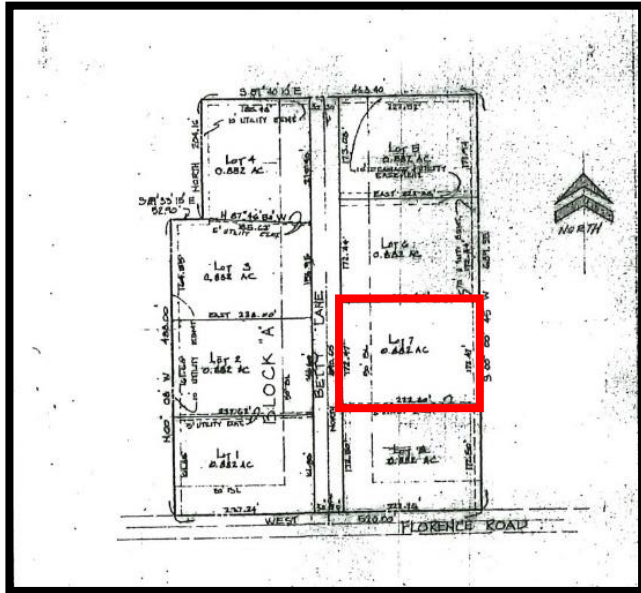
Item I-3
Zoning Map



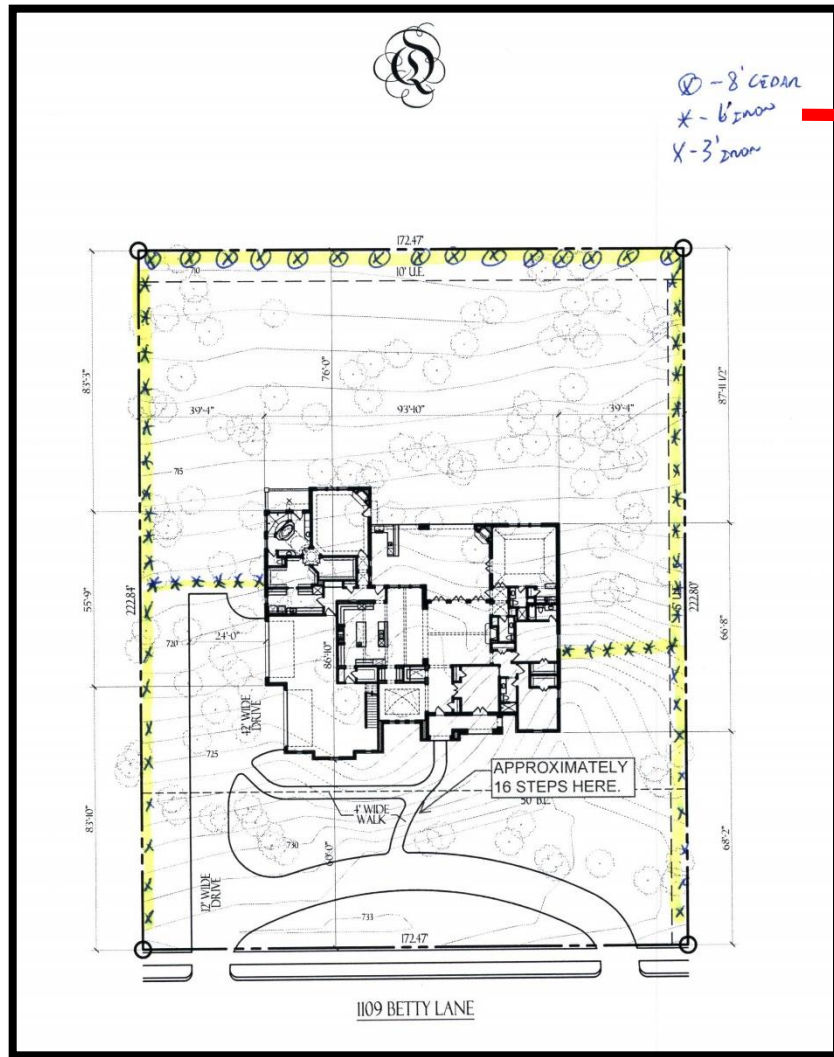
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Aerial Map



Item I-3 Site Photo

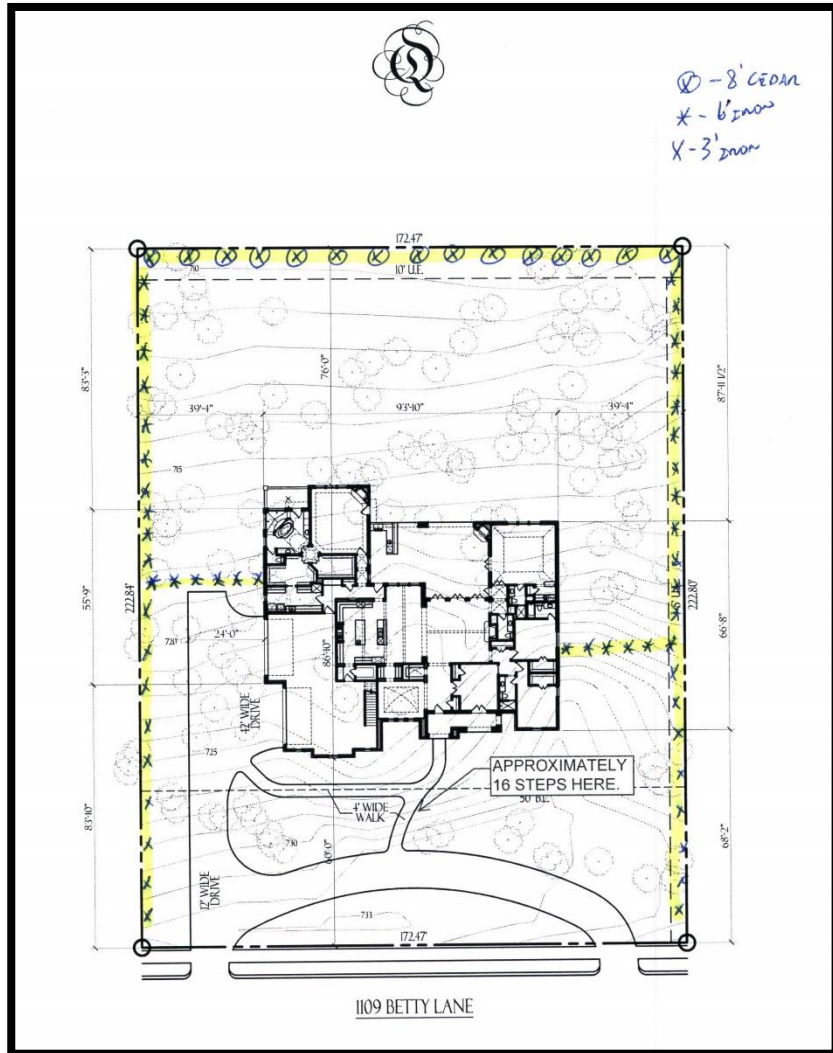


Item I-3 Staff Attachment

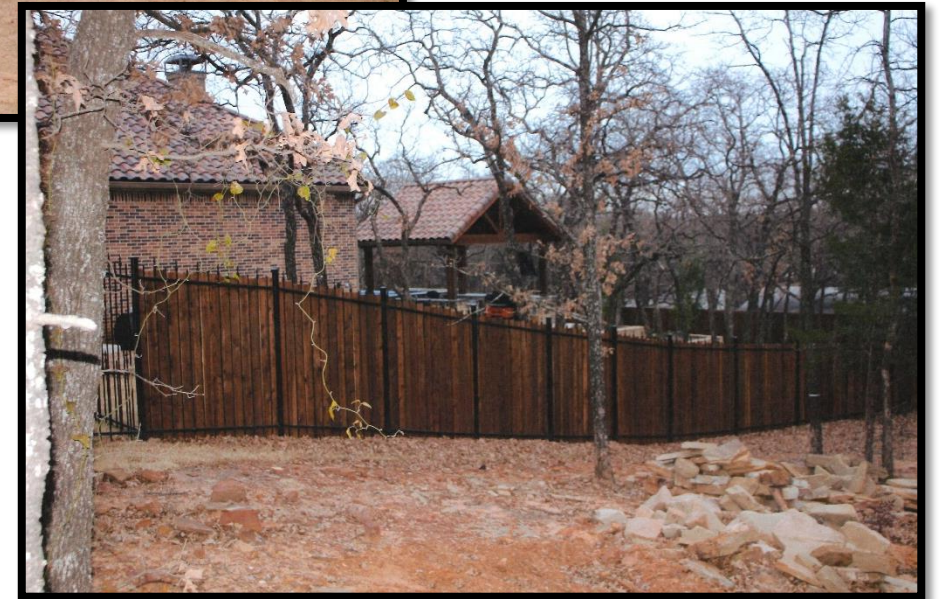


- Side property line:
6' Iron fence
- Rear property line:
8' Cedar fence

Item I-3 Staff Attachment



Item I-3 Site Photos



Item I-3 Analysis

This request meets all standards set by the UDC with the exception of the requested variance for combining the use of two materials. The UDC permits the use of either iron or wood materials; however, limits fence materials to only one. The Owner's purpose for adding cedar slats was for privacy purposes.

Item I-3 Planning and Zoning Recommendation

On April 22, 2019, the Planning and Zoning Commission unanimously recommended approval of this variance request

Item I-3 Analysis

Section 2.07 (A.2) of the UDC, lists criteria for approval of a variance.

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 have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Code.
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.

Item I-3 City Council Action

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

- Approve as submitted (Commission needs to identify basis for variance for Council consideration).
- Approve with modifications or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.