

MINUTES OF THE REGULAR
MEETING ZONING BOARD OF
ADJUSTMENT

June 1, 2020

A. CALL TO ORDER

A regular meeting of the City of Keller Zoning Board of Adjustment was called to order by Chairman Gilpin at 7:00 PM. Board member Robin Burrill was absent. The following members were present:

Michael Gilpin
Rodger Ehrlish
Bonnie Bueter
Michael McClement

The following alternate members were present:

Greg Will
Bill Schlegel

Staff present was Katasha Smithers, Planner I; Julie Smith, Community Development Director (CDD), Amy Botcher, Planning Technician.

Regular Meeting 7:00 P.M.

A. CALL TO ORDER- CHAIRMAN GILPIN

A regular meeting of the City of Keller Zoning Board of Adjustment was called to order by Chairman Gilpin at 7:00 PM.

B. PLEDGE OF ALLEGIANCE

Board member McClement led the Pledge of Allegiance to the United States Flag and the Pledge to the Texas Flag.

C. PERSONS TO BE HEARD

No one came forward.

D. NEW BUSINESS

1. Consider approval of the minutes of the ZBA Meeting on March 2, 2020.

Board member Bueter moved to approve the minutes as written. Board member Ehrlich seconded, and the motion carried unanimously.

2. PUBLIC HEARING: Consider an application requesting a variance to Section 8.11

(l)(2)(a)(3) of the Unified Development Code (UDC). The Applicant is requesting a variance to place the drive-gate 17-feet from the back of pavement on Knox Road in lieu of the required 50-feet. The property is located on 1.5-acres, situated at the southwest corner next to the intersection of Knox Road and Ottinger Road, being Lot 1, Block A, Bowden Addition, zoned Single-Family 36,000 square-foot lots (SF-36), and addressed as 1870 Ottinger Road. Bob Bowden, Owner/Applicant. (ZBA-20-0003)

Planner Smithers gave a presentation to the Board noting that the existing gate was located seven feet from the property line and 17 feet from Knox Road. The gate had been in place for more than two decades.

She stated the Applicant was requesting to replace the existing gate at the same location. Because the Applicant is on two major thoroughfares (Knox Road and Ottinger Road), the setback of the new gate is required to be 50 feet from the property line per the Unified Development Code (UDC).

Planner Smithers mentioned the Applicant's home is only approximately 60 feet from Knox. Placing the gate 50 feet from the property line would be too close to the house, thus making it difficult to open/close the gate. It would also impede access in/out of the driveway.

On May 22, 2020, the City mailed out eleven (11) letters of notification for this public hearing within 200' of this subject property.

As of June 1, 2020, Staff has not received any emails, phone calls, or written letters regarding this item.

Board member McClement stated that he had driven past the site earlier in the day for visual clarification. He determined that he would support the variance given the close proximity to the house.

Alternate Schlegel concurred with Board Member McClement on his support.

Board member Ehrlich asked if this would be an "open style" gate.

Planner Smithers confirmed, it would be a 6-foot tall "open style" gate.

Chairman Gilpin asked if the Applicant would like to add any comments.

The Applicant states that he has lived at this property for 23 years, and they have not had any issues with accidents entering or exiting the property by way of the current drive and gate. He also noted that deliveries had a second entrance they could use on Ottinger that allows them to pull off the street. The Applicant noted that there had been 2 homes broken into close to him and the gate was important for security reasons.

Board member Bueter asks Staff if the Applicant was before the ZBA simply to get approval for something that had already been approved years earlier.

CDD Smith explained that the home was legal, non-conforming given its proximity to Knox and as such was considered a grandfathered structure, as was the fence and gate. However, because the gate and fence were being replaced, the fence and gate lost their grandfathered status. Also, in the interim, new fence regulations had been adopted. These new rules triggered the need for this particular variance request, because they did not take into account a pre-existing condition (the home's proximity to the road).

Chairman Gilpin opened the public hearing.

No one came forward.

Board member McClement moved to close the Public Hearing. Board member Bueter seconded, and the motion carried unanimously.

Board member McClement moved to approve the variance request and permit the drive-gate 17-feet from the back of the pavement on Knox Road in lieu of the required 50-feet. Board member Schlegel seconded, and the motion carried unanimously.

E. ADJOURN

Board member Ehrlich moved to adjourn at 7:11 PM. Board member Bueter seconded the motion. The motion passed unanimously.

