

ARTICLE NINE**Unified Development Code**

Adopted: July 7, 2015

**ZONING BOARD OF ADJUSTMENT (ZBA) APPLICATION****SECTION 1. APPLICANT/OWNER INFORMATION**Please Print or Type

Applicant: Troy Ragle
Street Address: 790 Mount Gilead Road
City: Keller State: TX Zip: 76248

Telephone: 812-454-1394 E-mail: tragle@ragleinc.com
Applicant's Status (Check One) Owner ☒ Tenant ☐ Authorized Agent ☐ Prospective Buyer ☐
Property Owner MUST sign the application or submit a notarized letter of authorization.

Owner: Troy Ragle
Street Address: 790 Mount Gilead Road
City: Keller State: TX Zip: 76248
Telephone: 812-454-1394 E-mail: tragle@ragleinc.com


Signature of Applicant

Date: 8/7/20

 Troy Ragle
Signature of Owner Printed Name of Owner

Date: 8/7/20

SECTION 2. PROPERTY INFORMATION

Address of Request: 790 Mount Gilead Road Keller, TX 76248
Legal Lot(s): 3 Block(s): 1 Subdivision Name: Overton Estates

- ZBA-20-0007**
- A variance shall not be created or personal hardship, nor shall it be based solely on the fact that a person has a hardship, nor shall it permit any person a privilege in development that is not permitted by this Code to other parcels of land in the particular area.
 - No variance may be granted if it causes a hardship on another parcel of land.
 - The applicant bears the **burden of proof** in establishing the facts justifying a variance.
 - Provide exhibits that will help provide justification of this variance request.

Application fee: \$200

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SECTION 3. VARIANCE REQUEST INFORMATION
(All Sections must be completed.)

Describe how your request will differ from the requirement(s) of the Unified Development Code:

Please see attached.

Describe how literal enforcement of the Unified Development Code will create an unnecessary hardship or practical difficulty in the development of this property:

Please see attached.

Describe any special conditions unique to the subject property that cause hardship. Examples of special conditions include topography, utility line/easements, irregular lot or tract lines, etc:

Please see attached.

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Describe how relief of the hardship will not injure the permitted use(s) of any adjacent property:

Please see attached.

Explain how granting of the variance would meet the intent of the Unified Development Code requirements:

Please see attached.

Explain how the granting of the variance will be in harmony with the spirit and purpose of the regulation:

Please see attached.

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APPLICATION SUBMITTAL REQUIREMENTS

- Applications without original signatures and all required documents and information will not be reviewed.
- The Zoning Board of Adjustment meets on the first Monday of each month, as needed.
- The application submittal deadline is 12:00 PM on the 15th of every month, prior to the next month meeting.
- If you have any questions about the process or and submittal requirements, please contact the Planning and Zoning Department at 817-743-4130

APPLICATION REQUIREMENTS CHECKLIST

The following items are required with ALL Applications:

- ☒ Zoning Board of Adjustment application form
- ☐ Application Filing fee as required by the City of Keller
- ☒ Plot Plan or Survey
 - One paper copy of an exhibit that includes the following information.
 - Boundaries, dimensions, and square footage of the property
 - Location and dimensions of all existing and proposed buildings and structures
- ☒ Additional Information (Example: Drawings, photographs and/or other relevant information)

SECTION 3.

Describe how your request will differ from the requirement(s) of the Unified Development Code:

Section 8.11.I.2.a) of the City of Keller Unified Development Code permits the installation of drive gates for properties in SF-36 zoning districts (which 790 Mount Gilead is). At the time the home was designed, the site plan was drawn up (see attached), and the site plan and building permit was approved on May 30, 2019, Mt. Gilead Rd. was not designated as a thoroughfare. So pursuant to Section 8.11.I.2.a)2. of the Code our drive gate was required to be installed 25 feet from the edge of Mt. Gilead. The house and driveway were constructed with that understanding. However, when we received our fence permit in July we discovered that Mt. Gilead Rd had been changed (in August 2019) to a thoroughfare and that pursuant to Section 8.11.I.2.a)3. of the Code the drive gate was now required to be set back 50 feet from the street, not 25 as it had been when we designed the site and obtained our building permit.

Since the driveway splits into a “Y”, the 50-foot setback provision would require us to either replace the driveway or install two drive gates, one for each lane after the split. Both options are expensive and would not be aesthetically pleasing.

Therefore, we request that we be allowed to install the drive gate a minimum of 35’ feet from the edge of the road instead of 50, which will allow the drive gate to be in front of the split in the driveway.

Describe how literal enforcement of the Unified Development Code will create an unnecessary hardship or practical difficulty in the development of this property:

As explained above, since the driveway splits into a “Y”, the 50-foot setback provision would require us to either to replace the driveway or install two drive gates, one for each lane after the split. Both options are expensive and would not be aesthetically pleasing.

Describe any special conditions unique to the subject property that cause hardship. Examples of special conditions include topography, utility line/easements, irregular lot or tract lines, etc:

In our case the special condition is that Mt. Gilead was changed to a thoroughfare after we had already designed the site, obtained a building permit, and started construction. We were unaware of the change (which required a 50-foot drive gate setback instead of the 25 we had planned on), until just last month. At that time, the driveway had already been constructed planning on a 25-foot setback.

Describe how relief of the hardship will not injure the permitted use(s) of any adjacent property.

The installation of my drive gate at 35 feet from the road instead of 50 has no effect at all on any other property. Further, numerous homes on Mt. Gilead have drive gates that were installed less than 50 feet from the road.

Explain how granting of the variance would meet the intent of the Unified Development Code requirements

We are requesting a variance of only 15 feet (from a 50-foot setback to 35 feet). In addition, numerous other homes on Mt. Gilead have drive gates installed less than 50 feet from the road.

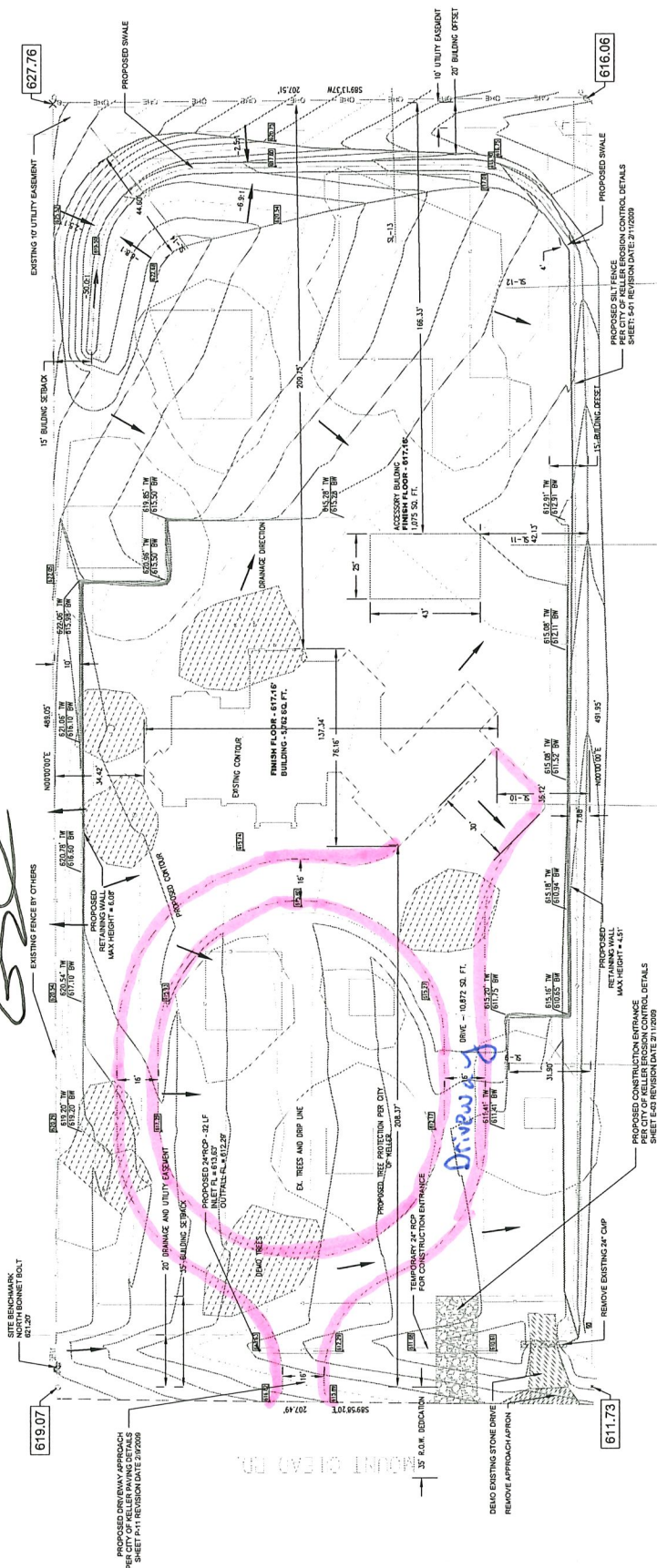
Explain how the granting of the variance will be in harmony with the spirit and purpose of the regulation:

We are requesting a variance of only 15 feet (from a fifty-foot setback to 35 feet). We do not believe that a drive gate installed at 35 feet instead of 50 feet will make any significant difference for any purpose. In addition, numerous other homes on Mt. Gilead have drive gates installed less than fifty feet from the road.

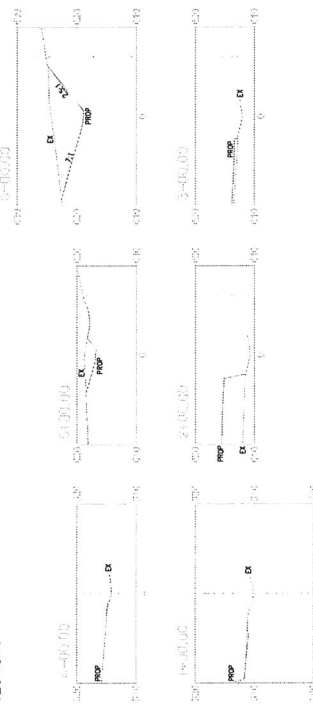
31712020



PROPERTY DESCRIPTION
BEING LOT 3, BLOCK 1, OF OVERTON ESTATES, AN
ADDITION TO THE CITY OF KELLER TARRANT COUNTY,
TEXAS, ACCORDING TO THE REVISED PLAT RECORDED
IN CABINET A, SLIDE 8391, PLAT RECORDS, TARRANT
COUNTY, TEXAS



SWALE SECTIONS



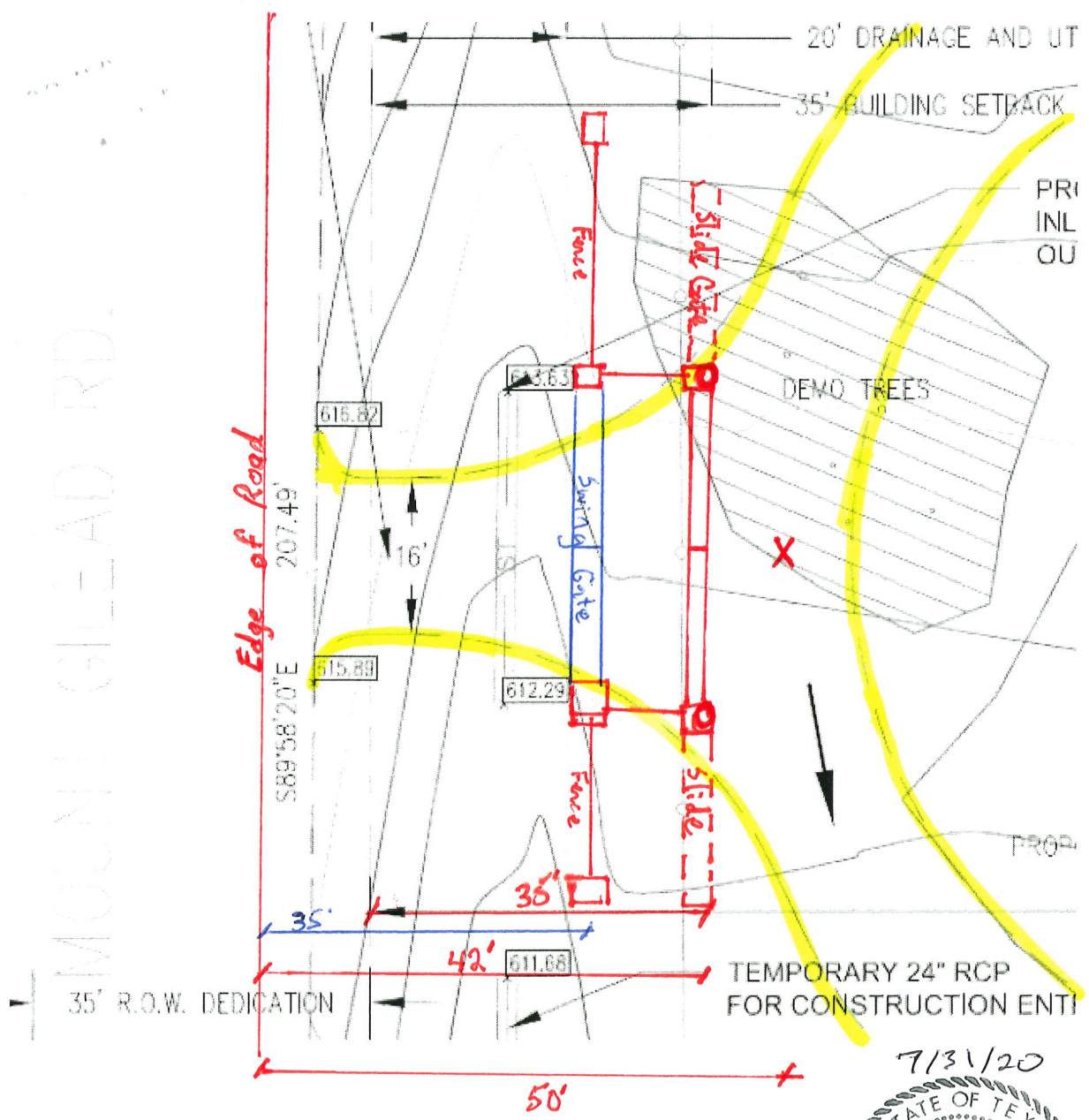
EXISTING TREE INVENTORY TREE REMOVAL INVENTORY

| | | | |
|---------------------------|-----|---------------------------|----|
| AMERICAN ELM | x35 | AMERICAN ELM | x7 |
| CEDAR | x1 | OSAGE ORANGE | x6 |
| HACKBERRY | x5 | SUGARBERRY | x1 |
| Oak | x2 | HACKBERRY | x4 |
| OSAGE ORANGE | x29 | | |
| SUGARBERRY | x4 | | |
| CANOPY - 27,652.8 SQ. FT. | | CANOPY - 6,033.72 SQ. FT. | |

RAGLE
INC.

SITE PLAN
GRADING PLAN
790 MOUNT GILEAD RD
KELLER, TX

Gate Layout
790 Mt. Gilead Rd.
Keller, TX



7/31/20

STATE OF TEXAS
★ ★ ★
TROY A. RAGLE
124278
LICENSED
PROFESSIONAL ENGINEER