



## Legislation Details (With Text)

<b>File #:</b>	18-012	<b>Version:</b>	1
<b>Type:</b>	New Business	<b>Status:</b>	Approved
<b>File created:</b>	1/19/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	2/6/2018	<b>Final action:</b>	2/6/2018
<b>Title:</b>	Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a six-foot (6') wrought iron fence in front yard or in front of the primary structure, located on 0.459-acres, on the north side of Charrington Drive, approximately six hundred feet (600') east of the intersection of Chase Oaks Drive and Charrington Drive, being Lot 9, Block B, Willis Coves Phase I, at 513 Charrington Drive, and zoned PD-SF-12 (Planned Development Single Family Residential-12,000 square foot minimum). D & M Welding Fences and Gates, applicant. Angel Morales, owner. (UDC-17-0035)		
<b>Attachments:</b>	1. 020618_UDC-17-0035_Resolution 3978, 2. 020618_UDC-17-0035_P&Z_Minutes_01222018, 3. 020618_UDC-17-0035_ExhibitA_Application, 4. 020618_UDC-17-0035_ExhibitA_Picture_of_property, 5. 020618_UDC-17-0035_ExhibitA_Survey, 6. 020618_UDC-17-0035_Maps, 7. 020618_UDC-17-0035_StaffAttachment_Ordinance_No_940, 8. 020618_UDC-17-0035_StaffAttachment_Plat, 9. H-3 Presentation (513 Charrington Dr)		

Date	Ver.	Action By	Action	Result
2/6/2018	1	City Council		

**To:** Mark Hafner, City Manager

**From:** Trina Zais, Director of Public Services and Economic Development

### Subject:

Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a six-foot (6') wrought iron fence in front yard or in front of the primary structure, located on 0.459-acres, on the north side of Charrington Drive, approximately six hundred feet (600') east of the intersection of Chase Oaks Drive and Charrington Drive, being Lot 9, Block B, Willis Coves Phase I, at 513 Charrington Drive, and zoned PD-SF-12 (Planned Development Single Family Residential-12,000 square foot minimum). D & M Welding Fences and Gates, applicant. Angel Morales, owner. (UDC-17-0035)

### Action Requested:

Consider a recommendation for a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a wrought iron fence to exceed the maximum thirty-six inch (36") height in the front yard or in front of the primary structure.

### Background:

The subject property was zoned PD-SF-12 (Planned Development - Single Family Residential - 12,000 square-foot lot size minimum) as part of the Willis Coves Addition, approved on March 2, 1999 by Ordinance No 940. The final plat of Willis Coves Phase I was approved in 1999. A building permit for a single family home was submitted on February 20, 2001, and the house received its final inspection on February 20, 2002. A fence permit was submitted on November 20, 2017 and was

denied because of the six-foot (6') fence height.

**Analysis:**

The purpose of this UDC variance request is to allow a six-foot (6') wrought iron fence with a vehicle gate across the driveway in the front yard or in front of the primary structure to enclose the parking area and garage.

The subject property has approximately a ninety-foot (90') front yard setback. The garage is located at the front of the house with a side entry facing east. The property immediately to the south has an approximately thirty-five foot (35') front yard setback. Due to the greater setback of ninety-feet (90'), this property is unique from its surrounding neighbors with setbacks ranging from twenty-five feet (25') to ninety-five feet (95'). Located in the same subdivision, 408 Charrington Court has a vehicle access gate located in their driveway. Their garage is located at the rear of the house, not affecting the turn radius.

**Surrounding Zoning & Land Uses:**

North: Single Family Residential Homes, zoned SF-20

South: Willis Cove Phase I, Single Family Subdivision, zoned PD-SF-12

East: Willis Cove Phase I, Single Family Subdivision, zoned PD-SF-12

West: Willis Cove Phase I, Single Family Subdivision, zoned PD-SF-12

**Variance Requested:**

1. The variance request for a six-foot (6') high wrought iron fence placed in the front yard building setback or in front of the main structure located as shown on the site plan with "Exhibit A" shall be allowed.

**Summary:**

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.

**Citizen Input:**

A UDC variance application does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request. There has been no response from the

public to this application. The public will have an opportunity to speak on this agenda item at the "Persons To Be Heard".

**Professional Opinion:**

It is the opinion of the staff to **support** this variance request regarding fence height, provided that the fencing remain open-type ornamental or wrought iron. The fence location on the property will not impact the aesthetics of the neighborhood since the build line has an approximately ninety-foot (90') setback, creating a large front yard. A fence extended in front of the main structure will not be noticeable due to the ninety-foot (90') setback. To maintain a proper turning radius, the fence line would extend seven-feet (7') to the south.

Staff forwards this UDC Variance request for City Council consideration as presented with the following condition:

1. The variance request for a six-foot (6') high wrought iron fence placed in the front yard building setback or in front of the main structure located as shown on the site plan with "Exhibit A" shall be allowed.

**Board Review:**

The Planning and Zoning Commission considered this UDC Variance application on January 22, 2018 and recommended approval by a vote of 7-0 with the following condition:

1. The variance request for a six-foot (6') high wrought iron fence placed in the front yard building setback or in front of the main structure located as shown on the site plan with "Exhibit A" shall be allowed.

**City Council Action:**

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

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