



Legislation Details (With Text)

File #: 19-146 **Version:** 1

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File created: 4/3/2019 **In control:** Planning & Zoning Commission

On agenda: 4/8/2019 **Final action:**

Title: Consider a request 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 side of the property from 50 feet to 34 feet 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)

Attachments: 1. 04082019_1104MelissaFenceVariance_AttachmentA, 2. 04082019_1104MelissaFenceVariance_AttachmentB, 3. 04082019_1104MelissaFenceVariance_AttachmentC, 4. 04082019_1104MelissaFenceVariance_AttachmentC1, 5. 04082019_1104MelissaFenceVariance_AppllicantLetter, 6. 04082019_1104MelissaFenceVariance_LocationofFence, 7. 04082019_1104MelissaFenceVariance_Survey, 8. 04082019_1104MelissaFenceVariance_ThoroughfareFencing

Date	Ver.	Action By	Action	Result
4/8/2019	1	Planning & Zoning Commission	approve	Pass

Meeting Date: April 08, 2019

Item No. D-3

To: Planning and Zoning Commission

From: Scott Bradburn, Planner I

Subject:

Consider a request 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 side of the property from 50 feet to 34 feet 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)

Background:

The subject property was platted and approved by City Council on August 18, 1969, and recorded with the Tarrant County Commissioner's Court on September 2, 1969.

On July 7, 2015, the property was rezoned to Single-Family Residential - 36,000 square-foot minimum lot size (SF-36).

Prior to current Owner moving in, there was no fence constructed on the front of the property or adjacent to the thoroughfare facing Roanoke Road. The Owner's proposed fencing would be approximately 138' in length adjacent to Roanoke Road. (See Attachment A.)

Analysis:

The purpose of this Unified Development Code (UDC) variance request is to allow a six-foot pre-stained, cedar, privacy fence, to be constructed 34-feet east of the property line, in place of the required 50-foot building line shown on the Final Plat and as required per the UDC.

**UDC
Requirements:**

UDC Section 8.11 L (1) states that fence 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 distance may be reduced to eight feet from the property line if the fence is constructed of ornamental metal, tubular steel, or similar material with live screening. (See Attachment B)

**Variance
Request:**

Allow a variance to construct a privacy fence within 34-feet of the property line rather than on the 50-foot building line.

**Staff
Analysis:**

The Owner's property shows to have an uneven grade, as the topography of the land is higher on the south end of the property and takes a significant drop moving north. This is evident on the west side of the property fronting Roanoke Road. (See attachment C and C1.)

The Owner requests the Planning and Zoning Commission consider this application for variance and make a recommendation to City Council.

**UDC
Variance
Summary:**

UDC Section 2.07 (A.2) states that no variance shall be granted unless the Planning and Zoning Commission and 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 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.

Alternatives:

The Planning and Zoning Commission has the following options when considering a UDC Variance application:

- Recommend approval as submitted.
- Recommend approval with modifications or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Recommend denial.

Attachments:

Attachment A: Aerial Photo
Attachment B: Fence Examples
Attachment C: Topography Examples

City Council Action:

If the Planning and Zoning Commission takes action on this agenda item, then this UDC Variance Application will be scheduled for City Council action on May 7, 2019.