



## Legislation Details (With Text)

**File #:** 19-210      **Version:** 1

**Type:** New Business      **Status:** Agenda Ready

**File created:** 4/30/2019      **In control:** City Council

**On agenda:** 5/7/2019      **Final action:**

**Title:** Consider a resolution 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-19-00006)

**Attachments:** 1. 05072019\_1104MelissaFenceVariance\_Resolution, 2. 05072019\_1104MelissaFenceVariance\_AttachmentA, 3. 05072019\_1104MelissaFenceVariance\_AttachmentB, 4. 05072019\_1104MelissaFenceVariance\_AttachmentC, 5. 05072019\_1104MelissaFenceVariance\_AttachmentC1, 6. 05072019\_1104MelissaFenceVariance\_ApplicantLetter, 7. 05072019\_1104MelissaFenceVariance\_LocationofFence, 8. 05072019\_1104MelissaFenceVariance\_Survey, 9. 05072019\_1104MelissaFenceVariance\_ThoroughfareFencing, 10. H-4 Presentation

| Date     | Ver. | Action By    | Action  | Result |
|----------|------|--------------|---------|--------|
| 5/7/2019 | 1    | City Council | approve |        |

**To:** Mark R. Hafner, City Manager

**From:** Scott Bradburn, Planner I

### Subject:

Consider a resolution 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-19-00006)

### 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 Attachments)

**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 fences 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.)

**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.

**Board Action:**

On April 8, 2019, the Planning and Zoning Commission took action on this agenda item and unanimously recommended approval.

**City Council Action:**

City Council has the following options when considering a UDC Variance application:

- Approve as submitted.

- Approve with modifications or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny