



## Legislation Details (With Text)

<b>File #:</b>	19-271	<b>Version:</b>	1
<b>Type:</b>	New Business	<b>Status:</b>	Agenda Ready
<b>File created:</b>	5/23/2019	<b>In control:</b>	City Council
<b>On agenda:</b>	6/4/2019	<b>Final action:</b>	
<b>Title:</b>	Consider a resolution approving a variance to the City of Keller Unified Development Code (UDC), Article 8, Zoning Districts, Fencing Requirements in Residential Zoning Districts, Section 8.11 - requesting a special exception to use black, vinyl-coated chain link fencing, situated on approximately 6.36-acres of land on the south side of Shady Grove Road, approximately 480-feet southwest of Shady Grove Road and Keller Smithfield Road South intersection, being Lots 8R1 and 8R2, Block A, Shady Grove Estates, at 7220 Shady Grove Road, and zoned Single Family-Residential - 36,000 Square-Foot lot minimum (SF-36). Frank Dale, Owner. (UDC-19-0008).		
<b>Attachments:</b>	1. 060419_7220ShadyGroveFenceVariance_Res4125, 2. 060419_7220ShadyGroveFenceVariance_Exhibit A, 3. 060419_7220ShadyGroveFenceVariance_SitePlan, 4. 060419_7220ShadyGroveFenceVariance_LettersofSupport, 5. 060419_7220ShadyGroveFenceVariance_Presentation		

Date	Ver.	Action By	Action	Result
6/4/2019	1	City Council	approve	

**To:** Mark Hafner, City Manager

**From:** Scott Bradburn, Planner I

### Subject:

Consider a resolution approving a variance to the City of Keller Unified Development Code (UDC), Article 8, Zoning Districts, Fencing Requirements in Residential Zoning Districts, Section 8.11 - requesting a special exception to use black, vinyl-coated chain link fencing, situated on approximately 6.36-acres of land on the south side of Shady Grove Road, approximately 480-feet southwest of Shady Grove Road and Keller Smithfield Road South intersection, being Lots 8R1 and 8R2, Block A, Shady Grove Estates, at 7220 Shady Grove Road, and zoned Single Family-Residential - 36,000 Square-Foot lot minimum (SF-36). Frank Dale, Owner. (UDC-19-0008).

### Background:

- On April 16, 2019, the Owner reached out to Staff to determine if he could build a sports court and enclose it with a vinyl-coated chain link fence. He proposes an approximately 10-foot high fence, 101-feet by 51-feet.
- On April 25, 2019, through approval by the Development Review Committee (DRC), staff was able to grant the height of 10-feet to keep basketballs inside the court area; however, the material for the construction of the fence would require a special exception variance, per the Unified Development Code (UDC) with a recommendation from Planning and Zoning and approval by City Council.
- The Owner completed a UDC Variance Application and submitted it April 29, 2019.

### Variance for a Special Exception Request:

Staff submits this UDC Variance for a Special Exception to the City Council for their consideration

with the following request:

- Allow a black vinyl coated chain link fence to be constructed around a sports court measuring 101-feet in length and 51-feet in width.

Section 8.09 (B.4.a) of the UDC, lists criteria for approval of a variance.

1. Whether the requested Special Exception will not adversely affect public safety,
2. Whether the requested Special Exception will not adversely affect surrounding properties,
3. Whether the requested Special Exception will be in harmony with the spirit and purpose of this sign code,
4. Whether special conditions exist which are unique to the applicant or property,
5. Whether the requested Special Exception demonstrates increased quality and standards, and
6. Whether the requested Special Exception will be aesthetically appropriate in the area.

**Staff Analysis:**

The location of the sports court is set back approximately 300 feet from Shady Grove Road. There is no clear line of sight of the sports court from the street.

The Owner submitted three letters to Staff from neighbors supporting the sports court fence as proposed.

Staff has no objections to this variance request.

**Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission took action on this agenda item on May 13, 2019, and recommended approval by a unanimous vote.

**Alternatives:**

The City Council has the following options when considering a Special Exception to the UDC.

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