



City of Keller

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Legislation Text

File #: 16-423, **Version:** 1

To: Mark Hafner, City Manager

From: David Hawkins, Planning Manager

Subject:

Consider a resolution approving a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a four and a half-foot (4.5') tall cedar cross back fence to be allowed in the front yard, located on 0.459-acres of land, on the south side of Ravenwood Drive, approximately one hundred fifteen feet (115') from the Ravenwood Drive intersection, at 2580 Ravenwood Drive, being Lot 11, Block B, Ravenwood Addition, and zoned SF-20 (Single Family Residential - 20,000 square-foot lot size minimum). Roark and Jill Waddell, owners/applicants. (UDC-17-0014)

Action Requested:

Consider a resolution approving a variance to the Unified Development Code, Section 8.11, Fencing Requirements in Residential Zoning Districts to allow a four and a half-foot (4.5') tall cedar cross back fence to be allowed in the front yard.

Background:

The zoning was established with the 1992 City wide rezoning.

The house was constructed in 1987 according to the Tarrant County Appraisal District. The applicant has been working on adding improvements to the site including adding a swimming pool and updating the exterior of the house and front porch. A swimming pool permit was issued on April 4, 2017 and a miscellaneous permit (to address the porch and exterior improvements) was issued on May 23, 2017.

A fence permit was submitted on July 13, 2017. The fence was installed while the permit was under review and prior to permit approval.

Analysis:

The purpose of this UDC variance request is to allow a four and a half-foot (4.5') tall cedar cross back fence to remain in the front yard in lieu of the maximum allowed three-foot (3') height.

During permit review a portion of the fence was found to extend into the front yard and ended at the front building line. Staff made comments on the permit indicating this portion of the fence must not exceed thirty-six inches (36") in height. The house is approximately seventy feet (70') from the front property line. The front building line is thirty feet (30') from the property line. An approximately forty-foot (40') section of the fence extends beyond the front of the house and terminates at the front building line. The main purpose of the fence is to delineate the side yard property line.

Residential Fencing Requirements:

Section 8.11 (G.1) states that the maximum height for a fence is thirty-six inches (36") in the front yard or in front of the main structure.

Variance Request: The applicant is requesting to allow an existing four and a half-foot (4.5') cedar cross back fence to remain in the front yard and in front of the house in lieu of the maximum allowed thirty-six inches (36") in height.

Surrounding Zoning & Land Uses:

All adjacent properties are within the Ravenwood subdivision and zoned SF-20.

Variances Requested:

The applicant is requesting one (1) variance to the UDC:

1. To allow a four and a half-foot (4.5') tall cedar cross back fence to be located within the front yard, up to the thirty-foot (30') front yard building setback, in lieu of the maximum thirty-six inches (36").

Summary:

The applicant has met the requirements of the UDC variance application. UDC Section 2.07 (A.2) states that no variance shall be granted unless the Planning and Zoning Commission and City Council finds:

- a. 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.

The lot meets the minimum lot width, depth, and area requirements.

There are no special conditions restricting the location of the fence or requiring the fence to be located in the front yard.

The house is set back approximately seventy feet (70') from the front property line, which is forty feet (40') deeper into the lot as required.

- b. 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.

Staff does not believe that granting this UDC Variance would affect the health, safety, or welfare to neighboring properties.

The applicant has included a letter in support from the adjacent property owner to the east.

- c. 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.

The proposed fence would not have any impact on the orderly subdivision of other land in the area.

There are several properties (2450 Ravenwood, 2451 Ravenwood, 2361, Ravenwood, and 2341 Ravenwood) within the Ravenwood subdivision which have a wrought iron fence or other type of open fence greater than thirty-six inches (36") in height which encloses the entirety of the front yards.

- d. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.

Granting of this variance would not violate any other ordinance of the City of Keller.

- e. 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.

The purpose of limiting the height of fences in a residential development is to preserve the open appeal of a front yard. The only exception to the fence height in the front yard is provided to the SF-36 zoning district, which allows open type fencing up to five feet (5') in height in the front yard, or in front of the main structure.

The fence does not enclose the yard and would only serve to identify the border between two properties.

Aesthetically the fence is an open type fencing and matches some of the trim elements with the house.

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".

The applicant has included a letter from the adjacent property owner to the east. The letter has been included under "Staff Attachments."

Professional Opinion:

It is the opinion of staff that the fence does not violate the intent of the code to preserve the openness of the front yard. The fence is serving a specific purpose by defining the property line, which is supported by the UDC definition of fences (Section 2.02 No. 154) and will not be extended past the front building setback.

Staff forwards this UDC variance to the City Council for their consideration with the following condition:

1. The variance request for a four and a half-foot (4.5') cedar cross back fence to be located within the front yard, in front of the house, up to the thirty-foot (30') front yard building setback in lieu of a maximum fence height of thirty-six inches (36") to be considered.

Board Review:

The Planning and Zoning Commission met on August 14, 2017 and provided a recommendation to approve by a vote of 7-0 with the following condition:

1. The variance request for a four and a half-foot (4.5') cedar cross back fence to be located within the front yard, in front of the house, up to the thirty-foot (30') front yard building setback in lieu of a maximum fence height of thirty-six inches (36") shall be allowed.

City Council Action:

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

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