



# City of Keller

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## Legislation Text

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**File #:** 18-114, **Version:** 1

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

**From:** Susan Kenney, Director of Community Development

**Subject:**

Consider a resolution for a variance to the Unified Development Code, Section 8.11 (J), Fencing Requirements in Residential Zoning Districts, to allow a six-foot (6') top grade cedar fence with reinforced galvanized metal poles and structural components to face the exterior of the lot; with cedar top trim, six inch (6") wide cedar pickets, cedar rails top boards and pressure treated baseboards, adjacent to a public alley, located on 0.198-acres, on the east side of Lakeview Drive, being Lot 27, Block 2, Lakes of Highland Oaks Addition, at 1511 Lakeview Drive, and zoned SF-8.4 (Single Family Residential - 8,400 square-foot lot size minimum). Ross and Maryann Adams, owner/applicant. (UDC-18-0007)

**Background:**

Tarrant Appraisal records indicate the home was built in 1994. The applicant has been living in the home for twenty-two (22) years. The original fence was installed with the fencing poles and hardware facing the public alley. During this time the Unified Development Code allowed the smooth side of fencing to face the interior of the lot.

The fence was in need of replacement and the applicant wanted to do so with higher quality material and a professional appearance, and keep the smooth side facing the interior of the lot.

The applicant hired a fence company to replace the fence and explained how he wanted the fence constructed. The applicant informed the fence contractor to complete a Fence Permit Application prior to construction. The fence was completed in approximately three days. Due to the applicant not getting a response from the fence contractor in reference to the application, he completed a Fence Permit Application himself on 11/20/2017. The application was submitted after the work was completed. The fence contractor did complete an application, however it was filled out on 12/01/17.

The applicant realized while completing the fence application an error had been made on his part. The smooth side of the fence should not have been facing the interior of the lot. This information is written on the front of the Fence Permit Application. Research indicates sometime between 1997 and 2000, the UDC changed Fence Requirements in Residential Zoning Districts, making it a standard to have the smooth side of the fence facing the public street or open space, with the poles and hardware on the interior.

**Analysis:**

The purpose of this UDC variance request is to allow the existing built fence to remain, with the finished side of the fence facing the interior of the lot and the galvanized metal poles and hardware facing adjacent to the public alley.

As part of City policy regarding fence inspections, staff has been reviewing fence permits that have not been closed or which have not received an inspection. A fence inspection was completed on 03/13/18 and the fence failed.

Staff takes into account the aesthetics of having the wood pickets facing the interior of the lot. A public alley is generally traveled by the residents living within that housing addition, parking their vehicles in the driveways or garages which directly front the alley. Additional traffic, outside of the resident traffic, is minimal.

In addition to the applicant's original variance, he has also included a compromise solution, in which the metal poles and structural hardware would be enclosed by cedar pickets, thus allowing the poles to remain in the same location but keeping it free from the public view.

### **Residential Fencing Requirements:**

Section 8.11 (J) states, "Allowable wood fences adjacent to streets, schools, parks, or other public spaces shall have the finished side facing the public space. All fence posts and structural components shall be placed on the interior of the lot."

### **Variance Request:**

The applicant is requesting to allow the existing six-foot (6') reinforced cedar fence, with the finished side facing the interior of the lot, to remain, with the galvanized metal poles and structural hardware facing the adjacent alley.

OR ALLOW:

A compromise solution, in which the metal poles and structural hardware would be enclosed by cedar pickets, thus allowing the poles to remain in the same location but keeping it free from the public view.

### **Citizen Input:**

A UDC variance application does not require a public hearing. No public hearing notifications were sent out to the surrounding property owners for this request. The applicant did reach out to neighbors at 1508 Highland Lakes Drive, 1509 Highland Lakes Drive, 1510 Highland Lakes Drive, and 1513 Lakeview Drive and received their support for the UDC variance. There has been no response from the public to this application outside of the support letters submitted by the applicant. The public will have an opportunity to speak on this agenda item at the "Persons To Be Heard"

### **Professional Opinion:**

The original fence which came with the sale of the home had the finished side of the fence facing the interior of the property. The strict application of the residential fencing requirements would not deprive the applicant of any permitted use of the property. Staff does not believe that granting this UDC Variance would affect the health, safety, or welfare to neighboring properties. The proposed fence would not have any impact on the orderly subdivision of other lands in the area, nor does granting this variance violate any other ordinance of the City of Keller.

The purpose of requiring the finished side of a wood fence to face a public street, school, park, or other public space is to maintain uniformity, to help deter the criminal element, and to be aesthetically

appealing.

It is the opinion of staff to deny this variance and the compromised solution of cedar pickets to cover the metal posts and hardware inserts, keeping it from the public view and displaying only the wood.

**Planning and Zoning Commission Action:**

The Planning and Zoning Commission, at its April 9, 2018 meeting, recommended approval of the UDC Variance Request.

**Alternatives:**

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

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