



City of Keller

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Legislation Text

File #: 19-289, **Version:** 1

To: Planning and Zoning Commission

From: JP Ducay, 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 the installation of a six-foot (6') wrought iron fence in the front yard, located on 1.9910-acres of land on the west side of Willis Lane, approximately 2,400-feet northwest of North Tarrant Parkway and Willis Lane intersection, being Lot 1, Block A, of the Hopkins Addition, at 1804 Willis Lane, and zoned SF-36 (Single Family Residential - 36,000 square-foot lot size minimum). Joseph Hopkins, owner/applicant. (UDC-19-0011)

Background:

The property was platted and approved by the City of Keller in February 2019. (See Attachment A, Final Plat.)

The applicant included this fence variance request along with variances related to constructing a front facing garage. Staff separated the two as fences require an independent submittal.

The applicant wishes to install a 6'-tall, wrought-iron fence on each side of the front yard and across the front of the yard along the street with gates at each entrance of the u-shaped drive. According to the rendering the gates will swing in towards the home. The fence panels are open with 5" spacing between rungs and aesthetically built to maintain a country feel. (See Attachment B, Images)

UDC Code:

Section 8.11 (G. 2.), Fencing Requirements in Residential Zoning Districts, states the maximum height requirements, as measured from the grade of the property, shall be as follows:

- Five feet (5') for front-yard or in front of the main structure in SF-36 zoning district if constructed of split rail, ornamental metal, tubular steel, or similar open face material.

Variance Request:

- 1) A variance request to allow a 6' wrought-iron fence be installed across the front yard of the property.

Summary:

Section 2.07(A.2) of the UDC, lists criteria for approval of a variance.

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

Staff Analysis:

The UDC allows for a 5' fence to be located in the front of the property or in front of the main structure in SF-36 zoning district if constructed of split rail, ornamental metal, tubular steel, or similar open face material. This UDC variance request seeks approval to install a 6' wrought-iron fence in lieu of the already permitted 5' fence. Historically, 6' fences like the proposed fence were permitted by the UDC. Staff does not know why this was reduced to 5'. Additionally, staff is currently working on updating the fence standards in the UDC which if approved as proposed would allow 6'. Furthermore, the applicant is looking enhance the street appeal of his home while also maintain a country feel. The Applicant also provided signatures of support from all the surrounding properties. Staff has no objections to the variance request.

Alternatives:

The Planning and Zoning Commission has the following options when considering a UDC variance request:

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

City Council Action:

If the Planning and Zoning Commission takes action and makes a recommendation on this agenda item, then this UDC Variance application will be scheduled for City Council action on July 2, 2019.