

..Title

Conduct a Public Hearing to Consider/Discuss/Act on the Request by owner Osiel Salinas for the consideration of a Special Exception to the front yard fence, maximum height of four feet (4') as required by Section 122-176 (b) to allow a front yard fence with a maximum height of six feet (6') for Property Located at **914 Gerrish Street, part of Lots 43, 44, 45, Block 11 of the W.J.S. Russell 4th Addition, McKinney, Texas.**

AND

..Summary

BOARD OF ADJUSTMENT CASE NUMBER: 19-07

MEETING DATE: June 12, 2019

DEPARTMENT: Development Services - Building Inspections

CONTACT: Rick Herzberger, Chief Building Official

RECOMMENDED BOARD ACTION: Consider this special exception request based on the owner's description stated in the application and attached letter to the Board of Adjustment.

ITEM SUMMARY: The applicant/owner is requesting a special exception to the fence ordinance that will allow the construction of a front yard fence from a four foot maximum allowed height to a six foot fence height. The BOA members should reference the included fence ordinance sections that require this four foot maximum height in front yard as well as the special exception authority granted to the BOA members regarding conditions needed to approve a six foot maximum height fence in the front yard.

ZONING: RS-60 – Single Family Residential

EXISTING CONDITIONS: A surveyed lot of record and site plan showing the location of proposed front yard fence is provided.

SPECIAL EXCEPTION REQUESTED:

Fence ORDINANCE REQUIREMENTS	REQUESTED Special Exception	VARIANCE
Maximum four feet (4') height allowed in the front yard	Maximum six feet (6') height in the front yard	Two feet (2')

APPLICANT'S BASIS FOR SPECIAL EXCEPTION: See description on the application.

PUBLIC SUPPORT/OPPOSITION OF REQUEST:

To date, no letters of support and no letters of opposition have been submitted.

BOARD AUTHORITY:

Sec. 122-178. Special exceptions.

(c)The board of adjustment may grant a special exception that will allow a fence up to a maximum height of six feet for a fence that is situated between the front building line and the street right-of-way line of a lot (a "front yard fence") provided that the board finds that:

- (1) The subject property shall not be located within the historic overlay district;
- (2) A front yard fence shall not be a corner lot fence as provided for in section 122-176(b) (5);
- (3) The lot shall have an existing structure on it or a building permit to construct a structure has been issued;
- (4) All fences shall have a minimum of 50 percent through vision in any front yard;
- (5) The six-foot front yard fences must be consistent and appropriate to the area they are proposed.

BUILDING OFFICIAL STATEMENT:

The request has been field validated and I agree that the Board has the implied authority to consider the special exception as stated in the fence ordinance. Note – On March 16, 2016, the City Council amended the front yard fence height from 2.5 feet to 4 feet and added the provision for a special exception to 6 feet in the front yard as long as certain conditions were met. These conditions are described in the fence ordinance that is part of the agenda packet.

SUPPORTING MATERIALS:

- Board of Adjustment Application
- Request for Special Exception Description by Owner/Rep
- Survey and Site Plan
- Zoning Requirements
- Location exhibits

ACTION: **Approved** **Denied** **Tabled**