

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, FOR A VARIANCE TO CHAPTER 36, FENCING AND SCREENING REGULATIONS, TO ALLOW FOR AN ALTERNATIVE TRANSITIONAL SCREENING MATERIAL AT 700 SW WILSHIRE BOULEVARD.

WHEREAS, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 36, Fencing and Screening Regulations, of the City of Burleson Code of Ordinances (2005) requires that no fence, wall or outdoor area enclosure structure, may be erected or altered within the city unless the fence, wall, or outdoor area enclosure is in conformance with the provisions of this chapter; and

WHEREAS, on September 5, 2023, an application was submitted by Anna Carillo representing Carillo Engineering LLC, requesting a variance to allow for an eight foot wood fence to accommodate the transitional screening requirement in lieu of an eight foot masonry screening wall, and

WHEREAS, on December 11, 2023, the City Council made an inquiry into the matter and reviewed all the relevant information at a duly called public meeting, and

WHEREAS, the City Council finds and determines that there are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and the same zoning district; and

WHEREAS, City Council finds and determines that a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed, under Chapter 36, by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made; and

WHEREAS, City Council finds and determines that the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the comprehensive plan of the city; and

WHEREAS, City Council finds and determines that the variance, if granted, will not be materially detrimental to the public welfare of the use, enjoyment, or value of property within the vicinity; and

WHEREAS, the City Council finds and determines the conditions attached to the variance, if any, are necessary to achieve the purpose of Chapter 36.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

Section 1.

City Council hereby grants a variance to Section 36-14(i) of Chapter 36, Fencing and Screening Regulations, of the City of Burleson Code of Ordinances (2005) requiring transitional screening be constructed of solid masonry or reinforced concrete, to allow for an eight foot wooden fence to accommodate the transitional screening requirement.

Except as otherwise specified above, all other conditions, regulations, procedures, and rules of Chapter 36, Fencing and Screening Regulations, of the City of Burleson Code of Ordinances (2005), as amended, shall apply to the transitional screening at 700 SW Wilshire.

Section 2.

This resolution shall take effect immediately from and after its passage.

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney