

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, GRANTING A VARIANCE TO THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER BUILDING REGULATIONS, ARTICLE 3.05 FENCES, SECTION 3.05.005 DIMENSION AND APPEARANCE, SUBSECTION (A)(1)(A) TO ALLOW A FENCE HEIGHT OF OVER FORTY-FOUR INCHES IN THE REQUIRED FRONT YARD, LOCATED AT 6618 ADAIR DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Leon Valley, as a Home Rule Municipality, derives its powers from its Home Rule Charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

**WHEREAS**, in accordance with such powers, the City Council adopted Chapter 3 Building Regulations, Article 3.05 Fences to regulate the construction, maintenance, repair and replacement of fences within the City's cooperate limits; and

**WHEREAS**, Section 3.05.004 provides that City Council may authorize variances to the requirements of Article 3.05, granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

**WHEREAS**, in granting a variance, the Council shall prescribe only conditions that it deems necessary to or desirable in the public interest; and

**WHEREAS**, the City Council has found that the request meets the criteria established by Section 3.05.004 of the City Code for granting variances; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:**

**SECTION 1.** The Leon Valley City Council hereby grants a variance from the regulations found in LVCC Chapter 3 Building Regulations, Article 3.05 Fences, Section 3.05.005 Dimension and Appearance, Subsection (a)(1)(a) to allow a fence height of over 44' in the required front yard, specifically for a fence and gate not to exceed 84" in height, to be located at 6618 Adair Drive.

**SECTION 2.** Findings. City Council grants the variance according to the request and makes the following findings as prescribed by Section 3.05.004 of the City Code:

- (1) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
  - a. Finding - Affirmative

**SECTION 3.** Expiration. This variance shall not expire.

**SECTION 4.** Recitals. The recitals contained in the preamble hereof are hereby found to

be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 5.** Conflicts. All Resolutions and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

**SECTION 6.** Savings. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any Resolutions repealed by this Resolution which have accrued at the time of the effective date of this Resolutions; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Resolutions, same shall not be affected by this Resolution but may be prosecuted until final disposition by the courts.

**SECTION 7.** Severability. This Resolution is not severable.

**SECTION 8.** TOMA compliance. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 9.** Effective date. This Resolution shall be effective upon the date of final adoption hereof and any publication required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 4th day of June, 2024.

**APPROVED**

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**CHRIS RILEY**  
MAYOR

Attest:

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**SAUNDRA PASSAILAIGUE**  
City Secretary, TRMC

Approved as to Form:

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**ARTURO D. 'ART' RODRIGUEZ**  
CITY ATTORNEY