

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 17, 2023  
**TO:** Mayor and Council  
**FROM:** Mindy Teague, Planning and Zoning Director  
**THROUGH:** Crystal Caldera, City Manager  
**SUBJECT:** Discussion and Action to Consider Approval of a Resolution Granting a Variance for 6406 Royalty Pt, CB 4429A BLK 1 Lot 25, Seneca Estates  
**SPONSOR(S):** N/A

### **PURPOSE**

This M & C is to consider approval of a Resolution Granting a Fence Variance

Mr. Mark Ferris, the property owner, is requesting a variance to Chapter 3 building regulations, Article 3.05 fences, Section 3.05.005 Dimensions and Appearance to allow a property owner to construct a 6-foot-tall fence in the front yard. He is requesting the side fence be removed and construct a new fence that would encroach into the front yard.

*Residential fences in the R-1, R-2, R-4, R-6, and R-7 districts:*

*(A) Shall not exceed six (6) feet in the height in the side or rear yards or forty-four inches (44") in height in the required front yard. The finished side shall face toward the public viewpoint or public right-of-way.*

Council has the authority to consider variances where strict enforcement due to special conditions or where literal enforcement would result in unnecessary hardship.

### **FISCAL IMPACT**

The applicant paid the fees for fence variance consideration and if approved, there will be an additional fee for the fence permit prior to construction.

### **STRATEGIC GOALS**

N/A

### **SEE LEON VALLEY**

- **Social Equity** – It is fair and equitable to offer residents processes and alternatives for variances where conditions exist which may require special consideration.

- **Economic Development** – Indirectly nice, well-maintained fences and housing stock add to the attractiveness of a community to a potential resident which supports economic development.
- **Environmental Stewardship** – The variance request is not applicable to environmental stewardship.

**RECOMMENDATION**

Staff recommends denial of the request.  
No hardship exists and it is self-imposed.  
The owner has a fenced backyard.

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary