



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 24, 2021
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a variance request from Manor Code of Ordinances, Chapter 14, Article 14.01, Section 14.01.008 and located at 305 East Burton Street, Manor, TX, to increase the minimum fence height from six (6) feet to eight (8) feet.

BACKGROUND/SUMMARY:

14.01.008 – Privacy fence means a construction, not considered a structure, which is designed for screening or enclosing and constructed of wood or masonry or a combination thereof at least six feet in height.

15.03.002(1) - Except as otherwise allowed in this article, fences and walls shall not be taller than six (6) feet in height unless otherwise approved by the building official, to a maximum of eight feet, when topographic or other site constraints exist or to enclose a hazardous facility. Fencing and walls more than 30 percent solid shall not be placed to obstruct views of vehicles or within 25 feet of an intersection as measured by forming a box from the apexes of the intersection corners.

Variances. The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:

(2) *Structures.* Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this chapter, and at the same time, the surrounding property will be properly protected; provided that the board shall not in any event permit a use on any property that is not permitted within the zoning category for which such property is zoned.

ATTACHMENTS:

- Application questions
- Pictures

STAFF OPINION:

Variances should only be granted on immutable aspects of a property (special conditions) such as lot shape, topography, or heritage trees and that would not apply to other properties. A variance to a condition that is not unique to the property (disagreements with a neighbor) confers a special advantage (convenience) to that property which is not enjoyed by other similarly situated properties.