



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	05.21.2024	Agenda Items	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager Kaydi Smith, City Secretary
Reviewed by City Attorney	No	Department	Development Services
Subject	Discussion and possible action on a request from Stephen Heckler with Hart's Automotive for a variance to Section 110-173 (2)a of the City of Sweeny Code of Ordinances		
Council Strategic Goals	None		
Attachments / Supporting documents	<ul style="list-style-type: none">- Fence permit application- Proposed fence location site map		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Hart's Automotive purchased the former G & S Auto Supply location, which comprises a total of four (4) lots over two separate properties: 216449 and 216448. The business owner, Mr. Heckler, is currently preparing the site to have a fully operating automotive shop with a fence to enclose vehicles while in his care.

Mr. Heckler submitted a fence permit application, that cannot be approved due to fence requirements in the City's Code of Ordinances, which provide the following pursuant to Section 110-173(2)a:

"Sec. 110-173. Same -- Construction permits required.

(a) It shall be unlawful for any person, business, partnership, corporation, or other entity, to commence the construction, enlargement, extension or relocation of a fence without first obtaining a permit from the building official for such work. There shall be no fee charged for a fence permit.

(1) Application. Application for a fence construction permit shall be made to the building official on forms provided for that person.

(2) Requirements. The building official shall require that every application for a fence construction permit be accompanied by one (1) copy of a plan or plot drawn to scale and showing the following in sufficient detail to enable the building official to ascertain whether the proposed fence and its placement is in accordance with this chapter:

a. Lot dimensions and corners. The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are identified by stakes



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or rods and established on the ground. The proposed fence should be within the property line of the lot seeking the permit.”

Because the Code requires that fences be built to within property lines, an administrative replat of the property would be required to accomplish the fence installation as proposed in the attached site map, as the proposed fence location would cross property lines, regardless that the properties are owned by the same property owner. This would require the property owner to hire a professional surveyor to survey and prepare a mylar showing the 4 parcels as one property, and the property owner has expressed wanting to have the option to sell individual lots at a later time.

Section 152.82 – Variances of the City’s Code of Ordinances provides, “Whenever the City Council finds that extraordinary hardship may result from the strict compliance with these regulations, it may vary the regulations so that substantial justice may be done, and the public interest secured. The variation will not have the effect of nullifying the intent and purpose of these regulations.”

While there have been no extraordinary hardships expressed to accompany this application for a variance, this request would be at Council’s discretion to honor. If it is not the pleasure of the Council to provide a variance, Mr. Heckler stated he would be willing to place additional posts at the property lines.

Recommended Action

As the Code is written, Council has the discretion to grant the variance.

Proposed motion if it’s Council pleasure to grant the variance:

“I move we approve Mr. Heckler’s request for a variance to Section 110-173 (2)a of the City of Sweeny Code of Ordinances and allow the fence enclosure to be constructed as proposed.”

OR, if it is not the Council’s pleasure to grant the variance:

“I move we deny the variance to Section 110-173 (2)a of the City of Sweeny Code of Ordinances and require the property owner to install fencing at the property lines.”