



City of Pflugerville

Legislation Text

File #: 2016-5440, **Version:** 1

To receive public comment and consider a Variance to Subchapter 11.9 Fence and Wall Standards, for a proposed wood fence to be constructed on vacant property zoned Retail (R) district. (BOA1610-01)

The subject property is located along the south side of E. Black Locust Dr., generally southeast of the Swenson Farms and E. Black Locust Dr. intersection. The south and west property lines of the subject property are adjacent to approximately ten single family homes in the Swenson Farms residential subdivision. The east property line is common with a tract owned by the Pflugerville Independent School District. The north property line is adjacent to E. Black Locust. The property is currently unimproved and zoned Retail (R). Subchapter 11.9 of the Unified Development Code (UDC) identifies fences and walls shall be constructed of high quality materials, such as brick, stone, masonry fencing, stained cedar wood, and wrought iron. Table 11.9 specifies which types of fencing materials are permitted and prohibited based on the land use. The property is vacant, without a use, and zoned Retail (R) district which does not permit a single family use. The commercial standards are applicable given the aforementioned status of the property, which does not allow a wood board fence. The applicant has proposed a variance to allow for a six (6) foot tall wood board fence to be allowed to be constructed along the perimeter of the property.

The Board of Adjustment shall consider the following criteria in determining whether a zoning variance request is warranted:

- (a) The variance is not contrary to the public interest;
- (b) Due to special conditions, a literal enforcement of the chapter would result in an unnecessary hardship; and
- (c) By granting the variance, the spirit of the ordinance is observed and substantial justice is done.

The applicant has identified there is no intent to use the property, however at this time the applicant's rear fence has been removed to open up to the subject property. If the subject property is enclosed and remains zoned Retail (R), it may be difficult to enforce the use of the property regardless of the material used to create the boundary. Despite the outcome of the proposed variance, the use of the Retail zoned property will remain subject to the uses listed in Subchapter 4.3 of the Unified Development Code, which does not include single family use.

The proposed fence is anticipated to have a generally consistent aesthetic as the surrounding neighborhood, and is expected to be maintained by the current property owner. The proposed fence material is consistent with the neighborhood fence material currently along Black Locust, and not anticipated to be contrary to public interest. If the Board is to recommend approval, the following conditions are encouraged to be included with the approval, in no specific order:

1. The wood fence shall have a maximum height of six (6) feet, with three horizontal rails per section to reduce potential picket bowing.

2. The fence shall be routinely maintained, and stained at consistent intervals with the same color as the Swenson Farms perimeter fence facing Black Locust, to establish a consistent appearance in the area.
3. A physical separation between all adjoining residential properties, including the applicant's property in the adjacent subdivision, shall be provided until such time that the subject tract is combined with adjacent lot(s) through the subdivision and rezoning process.
4. A zoning violation of the permitted use of the property per the zoning district, shall require the full extent of the wood fence to be removed.
5. Once a use in accordance with the zoning is established on the subject property, the full extent of the wood fence shall be removed unless otherwise permitted by the use and zoning district, and only when adjusted as applicable to be in accordance with the Unified Development Code.
6. As a temporary fence, the proposed fence shall not be required to comply with Subchapter 11.9 (E) of the Unified Development Code which states: "The maximum length of a continuous, uninterrupted fence or wall plane is 100 feet. Breaks shall be provided through the use of natural stone or brick columns, landscaped areas, transparent sections or a change in material."

If the request is denied, the applicant may pursue a rezoning of the property to a single family residential district in order for the property to be used for single family use. The subject property will need to be combined with the adjacent lot through the subdivision process to view the overall tract as a cohesive property. The property line of the subject tract along Black Locust could then be considered a side street yard, and allow a fence to be generally at the property line if the fencing material is compliant with the Unified Development Code.

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