

Board of Adjustment may grant variances or modifications of height, yard, area, coverage, parking regulations, accessory building and non-conforming use subject to making a finding of hardship that the variance meets all four of the following criteria. State how your request meets these conditions.

Description of variance request:

The variance request is a **modification** of the current, previously permitted fence. Change from transparent (cattle wire)_to Opaque (6' wood fence boards) fencing making the fence materials align with most of the property fencing within the city and other neighborhoods.

1. Does the requested variance violate the intent of the Unified Development Code or deprive the applicant of right commonly enjoyed by other properties in the same zoning district that comply with the same provisions?
 Yes No

Explain: Due to actions_by the city we are currently being deprived of our right to privacy, safety, and enjoyment of our parcels of land. It would only violate the code if the request was for a new fence, but the request is for modification on an existing fence installed many years ago with a permit. At the time the fence was installed, there was no need for an opaque fence, however, due to the new walking trail and the subsequent exposure to public view, there is a need now. The variance is not for a new fence, it is for modification of materials from transparent to opaque. Based on the properties conditions of being adjacent to undeveloped properties with no current City services (water or sewer), and being located at the terminus of Shady Lane and Troy Lane, non - constructed streets, and being located directly adjacent to our residential property, the constructed fence height and material poses minimal impact on the adjacent undeveloped properties.

2. Do special conditions or restricted area, shape, topography, or physical features exist that are irregular to the subject parcel of land and not applicable to other parcels of land in the same zoning districts?
 Yes No

Explain: Yes, this was an undeveloped area without plans for development 16 years ago when the fence was permitted. At that time there was no need for an opaque fence. The property was secluded with only right-of-way access to the property. That has been changed by the city. The city created a public path approximately 55 feet from our parcel of land which has made our parcels of land viewable to the public making us vulnerable to public actions, public viewing, and reduction of safety which results in us no longer being able to enjoy our land or privacy. The subject properties do not have any special conditions that would not be applicable to other properties currently zoned Single Family Residential (R -2) zoned properties. However, the Live Oak Hills Subdivision, although a platted subdivision, does not have public infrastructure (water, sewer, sidewalks, and paved roadways) that similar platted subdivisions have installed. The subject properties are at the terminus of Shady Lane and Troy Lane and directly adjacent to the rear of our residential property and City of Schertz owned properties.

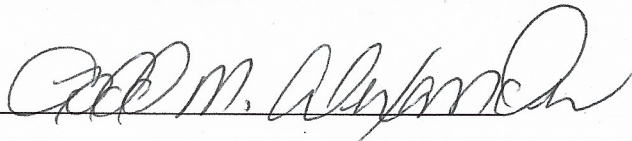
3. Is the hardship the result of the applicant's own actions or intended for financial interest?
 Yes No

Explain: No, the construction of a walking trail approximately 55 feet from the properties and the denial of a permit to modify the current fencing to regain our privacy, safety, and enjoyment is what caused the hardship.

4. Would granting this variance be detrimental to the public welfare or injurious to the value of property in the vicinity?
 Yes No

Explain: No, it would have a positive effect on the public walking path. It would be more pleasing to the eye from the walking trail, aligning with all the other privacy fences the pedestrians travel past on the trail. It would also align with the perimeter privacy fence that was permitted and constructed in 2019 across the street at 4709 Shady Lane.

Preparer's Signature: _____



Printed Name: Todd M Alexander

Date prepared: _____



Walking Trail

Residence

Properties

Neighbor Fence



