



Memorandum

September 10, 2019

TO: Zoning Board of Adjustment

FROM: Israel B. Roberts, AICP
Planning Manager

SUBJECT: Public hearing on a variance for a temporary street gate

BACKGROUND:

This is a request for approval of a variance to the Zoning Ordinance, Section 10.02.169 *Road Gates* of the Town of Fairview Code of Ordinances to allow a temporary gate towards the end of the cul-de-sac on Kentucky Lane. The site is located at 571 Kentucky Lane and is zoned for the (PC) Planned Center District. Owner/applicant: Justin Jinright. (ZBA2019-05)

STATUS OF ISSUE: Section 10.02.169 *Road Gates* of the Town of Fairview Code of Ordinances states:

No gate or other structure designed to control or limit traffic on any public or private subdivision street of ordinary passenger vehicles shall be permitted in any zone except a planned development zone. Such gate or structure shall be removed upon annexation of any public or private street with such control in place at the time of annexation.

In this case the applicant desires to install a temporarily used, manually operated gate in order to close the end of the cul-de-sac to be able to transfer live stock across to the street from one home site to another. All lots at the end of the cul-de-sac that would be temporary closed by the gate are members of a single family. The gate would not be used on a permanent basis. The applicant has provided an image of how the temporary gate would look during operations.

ATTACHMENTS:

Aerial
Applicant's Exhibits



Variance Request

Requesting a gate to be re-installed to enclose the properties at 570, 571, 580, and 581 Kentucky Ln. The gate is necessary for the transfer of livestock from various livestock pens on the requesting properties as well as 560 Kentucky Ln.

Gate Specifics:

1. Manual operation
2. Rarely closed and only utilized on an as needed basis during the transfer of livestock
 - a. Anticipated limited operation during evenings (after 7pm) and weekends
3. Single swinging gate with hinges on Eastern side of entry
4. Caster wheel on opposite side of gate to support weight
5. Constructed of 2 7/8" pipe consistent with existing fence material and previously removed gate
6. Painted Black consistent with existing fence
 - a. For safety, reflective markings will be placed on exterior side of gate

Additionally, the Collin County Central Appraisal District made the removal / absence of the gate one of the central points in their denial of the 1-D-1 (Ag) Exemption. The alternative option is the less desirable installation of a cattle guard across the entrance to our property.





Israel Roberts

From: Audra Belger <audra_belger@yahoo.com>
Sent: Tuesday, September 3, 2019 5:19 PM
To: Israel Roberts
Subject: Public Hearing Jinright

Mr Roberts-

We wanted to show our support for the zoning request of Justin Jinright at 571 Kentucky Lane. We live at 581Kentucky Lane at one of the most impacted properties. Thanks in advance.

Audra and Cameron Parker

[Sent from Yahoo Mail for iPhone](#)

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