



Legislation Details (With Text)

**File #:** 19-1244B      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/19/2019      **In control:** City Council

**On agenda:** 1/21/2020      **Final action:** 1/21/2020

**Title:** Pass the ordinance granting a variance in order to install a fence at the subject property located at 240-244 E. 4th Avenue - PZC 19-1-130

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 240-244 E. 4th Ave, 2. Exhibit A - Legal Description.pdf, 3. Exhibit B - Site Plan.pdf, 4. Exhibit C - Findings of Fact.pdf, 5. Disclosure of Beneficiaries.pdf, 6. Original Plats.pdf, 7. Petition.pdf, 8. Location Map.pdf

Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a variance in order to install a fence at the subject property located at 240-244 E. 4<sup>th</sup> Avenue - PZC 19-1-130

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission considered this matter on December 18, 2019 and voted to recommend approval of the request (approved, 7-0). Staff concurs.

**BACKGROUND:**

The subject property is comprised of two parcels under common ownership. 240 E. 4th Avenue is improved with a single-family residence and a detached garage, while 244 E. 4<sup>th</sup> Avenue is currently vacant. The subject property is approximately 13,742 square feet and is zoned R2 (Single-Family and Low Density Multiple-Family Residence District). The petitioners, David Trollope and Diane Barrowman, do not plan to consolidate the two parcels into one. The petitioners intend to construct a fence across both parcels. A variance is required to allow a fence on the vacant parcel.

**DISCUSSION:**

The petitioner is proposing to construct a 6' tall fence that will extend from the existing home at 240 E. 4<sup>th</sup> Street to and along the east property line of 244 E. 4<sup>th</sup> Avenue. The proposed fence will be aluminum and open style along the front and rear property lines and solid wood style on the east property line. Since the property at 244 E. 4<sup>th</sup> Avenue is vacant, a variance is required to Section 6-2-10:6 (Accessory Structures: Time of Construction) which states that a fence cannot be constructed

on a lot without a principal structure.

Per the petitioners, the proposed fence will serve as a barrier for the subject property from the highly commuter trafficked 4<sup>th</sup> Avenue. Staff finds the variance request to be reasonable because the lots are currently under common ownership. The petitioner's responses to the standards for granting a zoning variance are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by the Planning and Zoning Commission.

### ***Planning and Zoning Commission Action***

The Planning and Zoning Commission opened the public hearing to consider PZC 19-1-130 on December 18, 2019. David Trollope spoke as the petitioner. After limited discussion, the Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 19-1-130 (approved, 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

### ***Key Takeaways***

- The petitioners request a variance to construct a 6' tall aluminum privacy fence on a property without a principal structure.
- Staff is in support of the variance request, finding it is reasonable to allow a fence to be constructed on the properties without a principal structure.

### **FISCAL IMPACT:**

N/A