



Legislation Details (With Text)

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Title: Conduct the public hearing to consider 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. Petition.pdf, 2. Legal Description.pdf, 3. Findings of Fact.pdf, 4. Disclosure of Beneficiaries.pdf, 5. Location Map.pdf, 6. Original Plats.pdf, 7. Site Plan.pdf

Date	Ver.	Action By	Action	Result
12/18/2019	1	Planning and Zoning Commission		

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider a variance in order to install a fence at the subject property located at 240-244 E. 4th Avenue - PZC 19-1-130

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 19-1-130 was published in the Daily Herald on Monday, November 25, 2019.

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. 4th 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. 4th Street to and along the east property line of 244 E. 4th 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. 4th 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 4th 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.

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.