

Board of Adjustment Agenda Memo

From: Ryan Miller, City Planner
Meeting: May 6, 2024
Subject: Lee Variance – Fence – 320 20th Avenue
Person(s) Responsible: Ryan Miller, City Planner

Summary:

Kaitlin and Andy Lee have made a request for a variance on Lot 1 in Block 10 of Bane and Poole Addition, also known as 320 20th Avenue. The request is for a reduced front yard setback for a six-foot fence. Fences shall not exceed 48 inches in height when located between the front lot line and the principal building. For corner lots, a fence up to six-feet in height may be placed in the front yard opposite the street address if the fence meets the minimum required setback.

Item Details:

An existing fence is located on the property with a 22-foot setback from Iowa Street. The applicant would like to expand the fenced in area of their yard and propose a reduced fence setback of 5-feet from Iowa Street. The fence would be 6-feet in height.

Sec. 94-398(a) states that fences and shall not exceed 48-inches in height when located between the front lot line and the principal building. Sec. 94-398(b)(2) allows exceptions and states that fences and walls up to six feet in height may be placed in a front yard opposite the street address of a lot abutting a local street where:

- a. The lot is a double frontage lot; and
- b. The fence or wall meets the minimum required setback.

320 20th Avenue is a corner lot and not a double frontage lot. For a corner lot, front yards are assigned to both street frontages, in this case along 20th Avenue and Iowa Street. Fences on the lot would therefore be limited to 48-inches in height if located in the front yard along 20th Avenue and Iowa Streets. The front yard setback in the Residence R-1B single-family district is 30-feet, however, Sec. 94-402 makes an exception for this lot to have a 25-foot front yard setback.

Similar variances have been approved for six-foot fences on corner lots. The applicant has provided an example of a fence approved at 1705 Derald Drive. This variance was approved in November 2020 for a six-foot fence with a ten-foot setback from 17th Avenue. A comparable recent example is a variance approved in April 2024 for a fence at 1513 Franklin Avenue. This fence was approved with a 15-foot setback from Constitution Boulevard.

Existing trees on the property and adjacent property will provide screening of the fence from the east and west. There are no site triangle encroachments with the proposed setback location of the fence.

Options and Recommendation:

The Board of Adjustment has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Table until a future meeting

Staff recommends approval of the request.

Supporting Documentation:

Hearing Notice

Location Map

Application

Site Plan

Photos