

# Board of Adjustment Agenda Memo

**From:** Ryan Miller, City Planner  
**Meeting:** June 3, 2024  
**Subject:** Ries Variance – Fence – 2004 23<sup>rd</sup> Street  
**Person(s) Responsible:** Ryan Miller, City Planner

## **Summary:**

Zach Ries has made a request for a variance on Lot 1 in Block 1 of Bluegill Third Addition, also known as 2004 23<sup>rd</sup> Street. 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:**

The applicant would like to construct a six-foot privacy fence on a corner lot with a five-foot setback from the secondary front yard on Lucerne Avenue. Sec. 94-398(a) states that fences 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.

2004 23<sup>rd</sup> Street 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 23<sup>rd</sup> Street and Lucerne Avenue. Fences on the lot would therefore be limited to 48-inches in height if located in the front yard along 23<sup>rd</sup> Street and Lucerne Avenue. The front yard setback in the Residence R-1D single-family district is 20-feet.

Similar variances have been approved for six-foot fences on corner lots. In 2024, a variance was granted for a six-foot fence at 320 20<sup>th</sup> Street with a five-foot setback from Iowa Street. In November 2020, a variance was granted at 1705 Derald Drive for a six-foot fence with a ten-foot setback from 17<sup>th</sup> Avenue.

## **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