

# Board of Adjustment Agenda Memo

**From:** Ryan Miller, City Planner  
**Meeting:** April 2, 2024  
**Subject:** Schmidt Variance – Accessory Structure and Fence Setbacks – 1007 Circle Drive

**Person(s) Responsible:** Ryan Miller, City Planner

## **Summary:**

Brad Schmidt has made a request for variances on Lot 27 of Fishback Subdivision, also known as 1007 Circle Drive. The first request is for a zero-foot setback for an accessory structure. An accessory structure located on a double frontage lot shall meet the required front yard setback of twenty-five feet. The second request is for a zero-foot setback for a six-foot fence. Fences 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 of twenty-five feet.

## **Item Details:**

1007 Circle Drive is a double frontage lot with a single-family home facing and addressed to Circle Drive. Main Avenue runs along the secondary frontage on the property's western boundary.

The applicant would like to construct a detached garage with access to Main Avenue. The proposed site plan calls for a zero-foot setback from the garage to the western property line. The boulevard for Main Avenue is twenty-two feet wide and there is currently no sidewalk. The front yard setback in the Residence R-1C single-family district is twenty-five feet. Accessory structures have a required side or rear yard setback of five feet if they are set at least ten feet from the principal structure and at least sixty feet from the primary frontage. The proposed location would be greater than ten feet from the principal structure and greater than sixty feet from the primary frontage.

A similar variance was granted to a nearby lot in the Fishback Subdivision. In 2011, the Board of Adjustment granted a variance for 1021 Circle Drive for a garage with a five-foot setback from the Main Avenue right-of-way. A condition was placed that the driveway to Circle Drive be removed. In 2021, a subsequent property owner asked the Board of Adjustment to reverse that condition and allow a driveway to be re-installed onto Circle Drive, which was approved.

The garage would be limited to 12-foot sidewall heights and a total height not greater than the principal structure. Parking would be allowed on the driveway. If a sidewalk were constructed, vehicles would be prohibited from parking over the sidewalk.

The applicant would also like to build a six-foot fence with a similar zero-foot setback to Main Avenue. A previous fence was blown over in the 2022 derecho. That fence was setback twelve feet from the property line, or thirty-four feet from the Main Avenue curb. For double frontage lots, fences may be located in the yard opposite the addressed street. If the lot abuts a local street, the fence must maintain the minimum required setback of twenty-five feet. If the lot abuts an arterial or collector street, that setback is reduced to four feet for a six-foot fence. Other homes along this block have fences along the Main Avenue right-of-way. These include:

- 405 Harvey Dunn Street (immediately to the south): 6-foot fence with zero-setback (four feet high in the site triangle)
- 1013 Circle Drive (two lots to the north): 6-foot fence with 5-foot setback
- 1019 Circle Drive (three lots to the north): 4-foot fence with 5-foot setback

**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 a minimum five-foot setback from the Main Avenue right-of-way for the garage and fence.

**Supporting Documentation:**

Hearing Notice  
Location Map  
Application  
Site Plan