



## Legislation Details (With Text)

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**File created:** 3/27/2020    **In control:** Board of Adjustment  
**On agenda:** 4/16/2020    **Final action:** 4/16/2020  
**Title:** Weber Variance Request - 1926 Oriole Trail - Install six (6) foot fence 30 feet into front yard  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Notice, 2. Application, 3. Site Plan, 4. Fence Regulations Drawing

Date	Ver.	Action By	Action	Result
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Weber Variance Request - 1926 Oriole Trail - Install six (6) foot fence 30 feet into front yard

### Summary:

The applicant is requesting a variance to install a six (6) foot fence that is located 30' into the secondary front yard. The ordinance allows a four (4) foot fence in the front yard.

### Background:

The property is located at the northeast corner of Oriole Trail and 20<sup>th</sup> Street South. The applicant would like to install a privacy fence that will be located 30 feet into the secondary front yard along 20<sup>th</sup> Street South. The fence will be 23 feet from the front property line along 20<sup>th</sup> Street South. The applicant is requesting a six (6) foot fence for privacy from 20<sup>th</sup> Street South and also for the safety of children and dogs in the yard.

### Variance Criteria:

**1. Due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and the variance shall not violate the spirit of the ordinance and substantial justice may be achieved as a result of the variance.**

*The ordinance limits the placement of a six (6) foot fence in front yards. A six (6) foot fence cannot be placed closer to the street than the plane of the house. A double frontage lot along an arterial or collector street is allowed have a six (6) foot fence along the street so long as it is off-set four (4) feet from the property line. In this case, the applicant is maintaining a 23-foot setback from the property line along 20<sup>th</sup> Street South, which is an arterial street.*

**2. Unique circumstances apply to the property which do not apply to other properties in the same vicinity or district.**

*There are many residential homes constructed on corner lots.*

**3. The variance is necessary for the preservation of a property right that is substantially the same as that possessed by other owners of other property in the same district.**

*The Board of Adjustment approved a similar variance request at 2121 Larkspur Drive in 2019.*

**4. The variance requested is the minimum variance which would alleviate the hardship.**  
*The request is reasonable.*

**5. Reasonable use of the property is not permitted under the terms of this chapter.**  
*There is reasonable use of the property without the variance; however, the 23-foot setback allows staff to support the variance request.*

**Staff Recommendation:**

Staff recommends approval of the variance request so long as the fence is setback 23-feet from the front property line.

**Attachments:**

Notice

Application

Site Plan

Fence Regulations Drawing