

## Legislation Text

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**File #:** ID 20-0158, **Version:** 1

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CD Properties Variance Request - 2005 Grand Arbor Avenue - Retain a six (6) foot fence located 4.5 feet from the secondary front yard property line

### **Summary:**

The applicant is requesting a variance to retain a six (6) foot fence that is located in the secondary front yard that is 4.5 feet from the property line along 20<sup>th</sup> Street South.

### **Background:**

The property is located at the corner of 20<sup>th</sup> Street South and Grand Arbor Avenue. The secondary front yard is adjacent to 20<sup>th</sup> Street South. The owner would like to retain a six (6) foot fence that is currently construct 4.5 feet from the property line along 20<sup>th</sup> Street South. The owner is seeking the fence variance to provide privacy from 20<sup>th</sup> Street South and to enlarge the yard area.

### **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 fence is setback 4.5 feet 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 4.5 foot setback allows staff to support the variance request.*

### **Staff Recommendation:**

Staff recommends approval of the variance request so long as the fence is located at least 4.5 feet from the front property line along 20<sup>th</sup> Street South.

**Attachments:**

Notice

Application

Aerial Map

Site Plan

Photos