

Legislation Text

File #: ID 20-0186, **Version:** 1

Hannemann Variance Request - 2233 Larkspur Ridge Drive - Install 6 foot high fence 20 feet into front yard

Summary:

The applicant is seeking a variance to install a six (6) foot fence 20 feet into the front yard on a corner lot. The ordinance allows a four (4) foot fence in the front yard.

Background:

The property is located at the corner of Larkspur Ridge Drive and Morning Glory Drive. The ordinance allows a four (4) foot fence in the front yard and restricts a six (6) foot fence to being placed in line with the front plane of the house. In this case, the house was constructed on the north side of the lot leaving a large amount of open space along the south property line. The owner would like to fence in a portion of the front yard between the southeast corner of the house and the south property line to increase the size of the yard and provide for a greater degree of privacy. There is also a 13 foot drainage and utility easement along the east property line. The fence will need to remain outside of the easement as fences are not permitted in drainage easements. The easement further decreases the size of 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. In this case, the placement of the house and 13' drainage and utility easement restricts the amount of yard area that can be fenced. The applicant proposes to construct the fence 20 feet into the front yard and 20 feet from the front property line along Morning Glory Drive.

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 as well as several other similar requests.

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 20-foot setback allows staff to support the variance request.

Staff Recommendation:

Staff recommends approval of the variance request with the 20-foot setback from the front property line.

Attachments:

Notice

Application

Site Plan

Aerial Map

Plat