

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-DV2-004  
**Address:** 849 South Belmont Avenue (approximate address)  
**Location:** Center Township, Council District #16  
**Zoning:** D-5  
**Petitioner:** D.G. Kidanemhret Eritrean Orthodox Tewahdo Cathedral, Inc., by Biniam Sahlezeghi Kifle  
**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide a 54-inch decorative fence within the front yards and clear sight triangle of Belmont Avenue and Wyoming Street (maximum 3.5-foot-tall fence permitted, encroachments within clear sight triangles prohibited).

### **RECOMMENDATIONS**

Staff **recommends denial** of the request.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### EXISTING ZONING AND LAND USE

|     |               |
|-----|---------------|
| D-5 | Religious Use |
|-----|---------------|

##### SURROUNDING ZONING AND LAND USE

|         |      |                               |
|---------|------|-------------------------------|
| North - | C-1  | I-70 interstate / parking lot |
| South - | PK-1 | Rhodus Community Park         |
| East -  | D-5  | Single-family dwellings       |
| West -  | D-5  | Single-family dwellings       |

|                    |   |
|--------------------|---|
| COMPREHENSIVE PLAN | The Comprehensive Plan recommends special use for the subject site. |
|--------------------|---|

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The Consolidated Zoning and Subdivision Zoning Ordinance restricts the height of fences in front yards throughout the County. The Ordinance limits fence height to 3.5 feet in height in front yards. The restriction on fence height is intended to preserve sight lines for vehicles and pedestrians, and to ensure that residentially used lots maintain residential qualities and characteristics. Fences taller than 3.5 feet in the front yard tend to be industrial in nature and create a compound aesthetic within residential neighborhoods.
- ◇ When improperly tall fences are erected adjacent to the public right-of-way, that area becomes a less desirable place for pedestrians to travel. The propagation of excessively sized fences, therefore, can have a detrimental impact on a given street or neighborhood by discouraging neighbors from walking in areas encumbered with such fences.

(Continued)

## **STAFF REPORT 2023-DV2-004 (Continued)**

- ◇ In staff's opinion, the need for a fence with a non-complaint height is a personal choice in this instance, and the fence should be replaced with a zoning complaint fence or reduced in height to 3.5 feet to be zoning compliant, as other nearby properties are able to be complaint with.
- ◇ Failure to consult the Ordinance before installation, and/or the cost of replacing the fence are self-imposed difficulties, and not practical difficulties imposed by the Ordinance.
- ◇ As such, staff does not believe a practical difficulty has been demonstrated that necessitates a five-foot tall fence in the front yard and recommends denial of this request.

### **Clear Sight Triangle**

- ◇ The Ordinance, specifically 744-503.H, states "no obstructions shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet and 8 feet above grade level of the adjoining right-of-way within a Clear Sight Triangular Area." The clear sight triangular area is formed by the right-of-way centerline and the centerline of the driveway and the line connecting the two end points. The clear-sight triangle requirement is to provide for sight visibility for motorists at an intersection. Reduction in visibility at intersections would increase the possibility of motorists or pedestrian accidents.
- ◇ The original fence was located within the clear sight triangle of the Belmont Avenue and Wyoming Street intersection. The petitioner has submitted a revised site plan, file dated May 30, 2023, that indicates a portion of the fence has been relocated outside of the clear sight triangle, and with that portion reduced in height. If the fence has been related outside of the entire clear site triangle, then this portion of the request can be withdrawn.

## **GENERAL INFORMATION**

### **THOROUGHFARE PLAN**

This portion of South Belmont Avenue is designated as a secondary arterial on the Official Thoroughfare Plan, with a 70-foot existing and proposed right-of-way.

This portion of Wyoming Street is designated as a local street in the Official Thoroughfare Plan, with a 50-foot and 68-foot existing right-of-way, and a 95-foot proposed right-of-way.

### **SITE PLAN (Amended)**

File-dated May 30, 2023

### **FINDINGS OF FACT**

File-dated March 8, 2023

## **ZONING HISTORY**

None.

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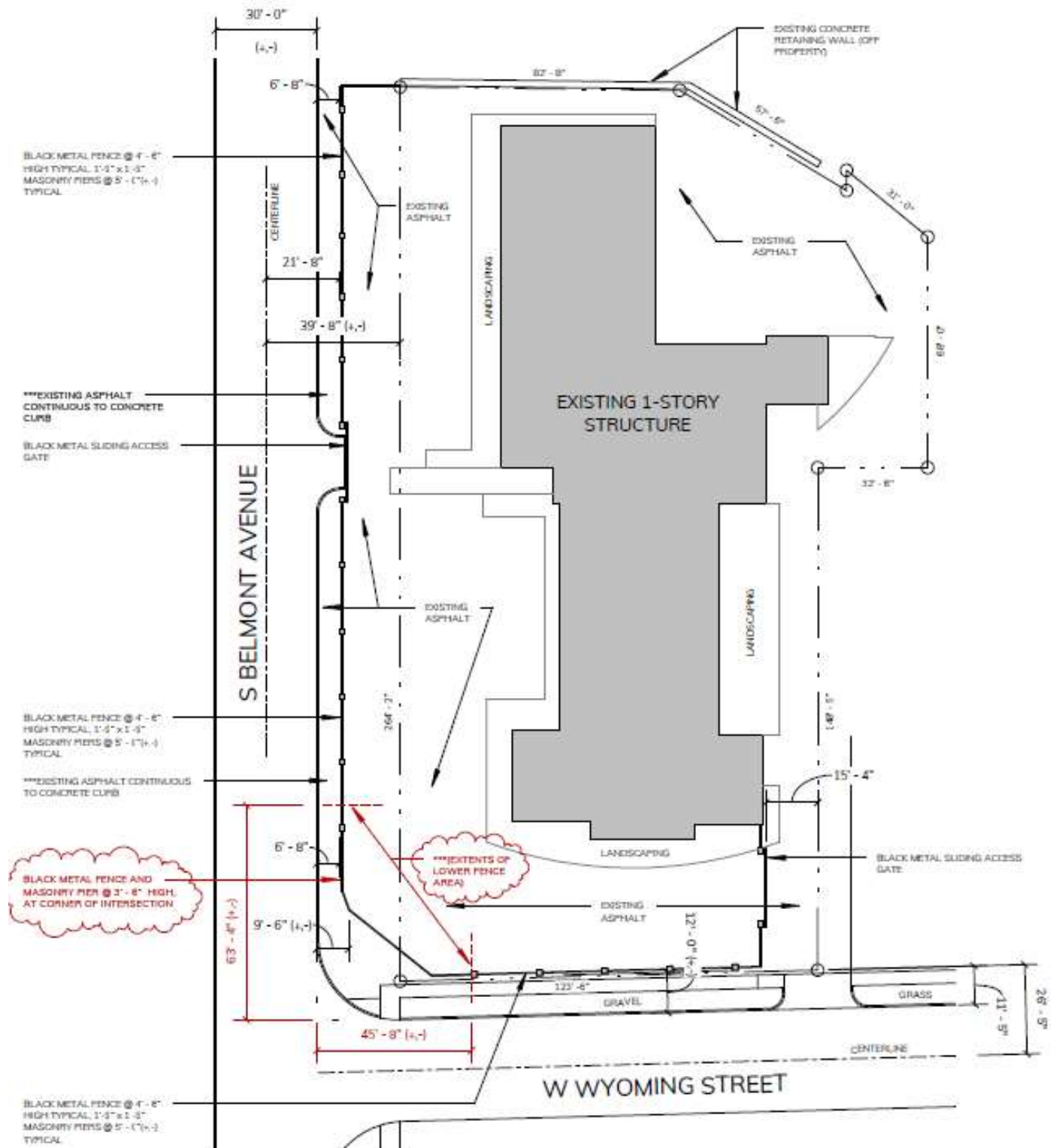
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**STAFF REPORT 2023-DV2-004 (Continued)**

**2023-DV2-004; Location Map**



## 2023-DV2-004; Site Plan





**2023-DV2-004; Photographs**



Subject site Belmont Street frontage, looking northeast.



Subject site Wyoming Street frontage, looking north.



Adjacent dwellings to the east, looking north,



Adjacent dwellings to the west.