

Staff Report

ACTION ITEM: Request for a variance from the restriction prohibiting fences in side yards on corner lots adjacent to streets in R-2 Single Family Residential Districts for a chain link fence at the property line in the side yard adjacent to Vail Drive at 3151 Oak Ridge Dr.

APPLICANT: Matthew Kearney and Monica Kearney

APPLICANT STATUS: Property Owners

PURPOSE: To allow a more significant portion of the backyard to be fenced with a chain link fence

SIZE: 1.123 acres

PRESENT USES: Single-Family Residential

PROPOSED USE: Same

PROPERTY ZONING: R-2 Single Family Residential

SURROUNDING ZONING: R-2 Single Family Residential in all directions

HISTORY: n/a

TRANSPORTATION AND PARKING: All required parking and street frontage currently exist.

CODE SECTION REQUESTED TO BE VARIED: Zoning Code (Chapter 65)

Sec. 65-20. - Accessory building, use, and structure regulations.

(6) *Fences.*

b. Fences located in residential and mobile home districts.

2. On corner lots where fences are to be located in the required front yards abutting both streets, said fences shall not exceed four (4) feet in height. Additionally, on corner lots, no fences over four (4) feet in height shall project beyond the main structure face, exclusive of unenclosed porches which project into the required front yard.

3. Fences may be constructed to the property lines, except, however, that no fence or walled enclosure greater than four (4) feet in height nor any fence or enclosure which causes sight obstruction to traffic shall be constructed within the sight triangle formed from the corner of a right-of-way intersection in each direction for a distance of thirty (30) feet from intersecting edges of pavement as projected to a point of meeting. No fence shall be constructed upon or over the public right-of-way or alleyway.

5. Residential fences or walled enclosures located within a required front yard shall not exceed four (4) feet in height. Front yard fences must be a typical decorative split rail, wrought iron, or picket fence. At least fifty (50) percent of the surface of the fence shall be open. No front yard fence shall be constructed in whole or in part of chain link, woven wire, barbed wire, wire fabric, snow, concrete, tin, cloth, canvas, chicken coop wire, bamboo, or other similar fencing material.

2009 COMPREHENSIVE PLAN: Residential use

FLOODPLAIN INFORMATION: This property is not located in the floodplain per FEMA panel 29031C0144E, dated 9/29/11.

PHYSICAL CHARACTERISTICS: This is a corner lot, square in shape. The house is located near the lot's east side, closest to Vail Drive, facing Oak Ridge Drive.

COMMENTS: They want to place the chain link fence up to the bushes on the Vail Drive side of their yard. Then run it north, then west, tying it into the northeast front corner of their house. Please see the site plan attached to their application inside the packet for more details.

ACTION REQUIRED: The Board shall approve or deny this request based on the criteria for granting variances.