

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> August 5, 2022	<b>Budgeted Amount:</b>
<b>Department:</b> Administration	<b>Prepared By:</b> Dave McCorquodale

**Subject**

Consideration and possible action on a request to relocate the rear property fence at 14335 Liberty Street located in the Historic Preservation District.

**Recommendation**

The proposed relocation of the fence is not in violation of development regulations or fire code. A common solution between property owners is preferable, but I do not see that the City can require it.

**Discussion**

*(Tabled at the July 5, 2022 meeting)*

As you may know, the owners of the Wings of Montgomery restaurant have recently closed the business. As part of the renovation of the building in 2020, P&Z approved the 6-ft height rear metal fence enclosure as seen in the attached images. The existing location of the fence is roughly 3-feet from the rear property line. The owner would like to relocate the fence to the rear property line, resulting in additional storage space at the rear of the building. The relocation of the fence would also prevent use of the existing sidewalk to adjacent properties. The owner stated he communicated this point to adjacent property owners. After speaking with the adjacent property owners, they were not fully aware of the plans to extend the back fence.

After speaking with the Fire Marshal's Office and local Fire Department, there are no access requirements that prevent the owner from relocating his fence.

*Sec. 98-347. - Approval for alteration or new construction within historic preservation districts or affecting historic landmarks.*

*No person shall carry out any exterior construction, reconstruction, alteration, restoration, rehabilitation, demolition, or relocation of any historic landmark or any property within an historic preservation district, nor shall any person make any material change to other exterior elements visible from a public right-of-way which will affect the appearance and cohesiveness of any historic landmark or any property within an historic preservation district without receiving approval from the Planning and Zoning Commission.*

**Approved By**

Interim City Administrator	Dave McCorquodale	Date: 06/28/2022