

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> September 5, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> DMc

**Subject**

Consideration and possible action on a wood privacy fence built without Commission approval at 504 Caroline Street in the Historic Preservation District.

**Recommendation**

Staff recommends approval of the fence despite being constructed without proper approval.

**Discussion**

The new owners of 504 Caroline have installed a 7-foot-tall wood privacy fence around the northwest corner of the property. An attached site plan shows the location of the fence.



Photos of fence built on the property.

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The Historic District Guidelines address fences as follows:

2. Fences. Fences must be consistent with the same period of the main building.
  - a. Form. Fences must be constructed and maintained in a vertical position.
  - b. Height. Within a front yard, no fence or wall shall be erected to exceed a height of four feet.
  - c. Location.
    - i. A fence in an interior side yard must be located no further forward on the lot than the front of the main building.
    - ii. A fence in a corner side yard must not be directly in front of the corner side façade, except that the building official may allow a fence that is directly in front of the corner side façade if:
      - 1) More screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and
      - 2) The fence does not screen all or any portion of a significant architectural feature of the main building.
    - iii. A fence must run either parallel or perpendicular to a building wall or lot line.
  - d. Materials. A fence in a front or corner side yard must be constructed of wrought iron, wood or brick. Concrete block fences are not permitted.
  - e. Masonry columns and bases. The color, texture, pattern and dimensions of masonry and the color, width, type and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.
  - f. Metal fences. Wrought iron and metal fences must be compatible with the style and period of the main building. Non-decorative chain link, barbed and razor wire fences are permitted only in back yards and must not be visible from adjacent properties or abutting streets.
  - g. Wooden fences.
    - i. All wooden structural posts must be at least four (4) inches by four (4) inches in diameter (nominal size).
    - ii. Wooden fences facing a public street must present the finished side to the street.
    - iii. Wooden fences may be painted or stained a color that is complimentary to the main building.

The fence is neither consistent with the main period of the building nor obtrusive in character. The primary drawback to the fence is that it furthers the disconnectedness of downtown properties, both physically and visually. That being said, screening an adjacent parking lot from outdoor spaces on this property has merit. Staff has no material objections to the fence itself, rather that the fence was built without first obtaining approval from P&Z. In addition to this fence, the outdoor deck was built without approval or permits and an irrigation system was installed without permits. Taken together, a pattern of not following city regulations is emerging.

<b>Approved By</b>		
Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 08/31/2023