

COUNCIL ACTION FORM

Meeting Date: June 13, 2024

Staff Contact: Nick Finck, Building Official

Agenda Item: Consider Fence Variance Request –2330 Shawnee Mission Parkway.; variance requested for placement of an 8' wooden picket fence.

Background / Description of Item

On June 3, 2024, City staff received an application for a fence variance for 2330 Shawnee Mission Parkway. Galyn Gorup, Director of Regional Facility Services for the University of Kansas Health System, has applied for a building permit for an 8' wood picket fence to replace the existing 6' wood picket fence that runs along the north side of the property separating the hospital from the residences on 51st Terrace. This application requires a variance for:

Westwood Zoning Ordinance 4.3.9.B.1./5.6.3.A.1 limiting fences to 6' in height.

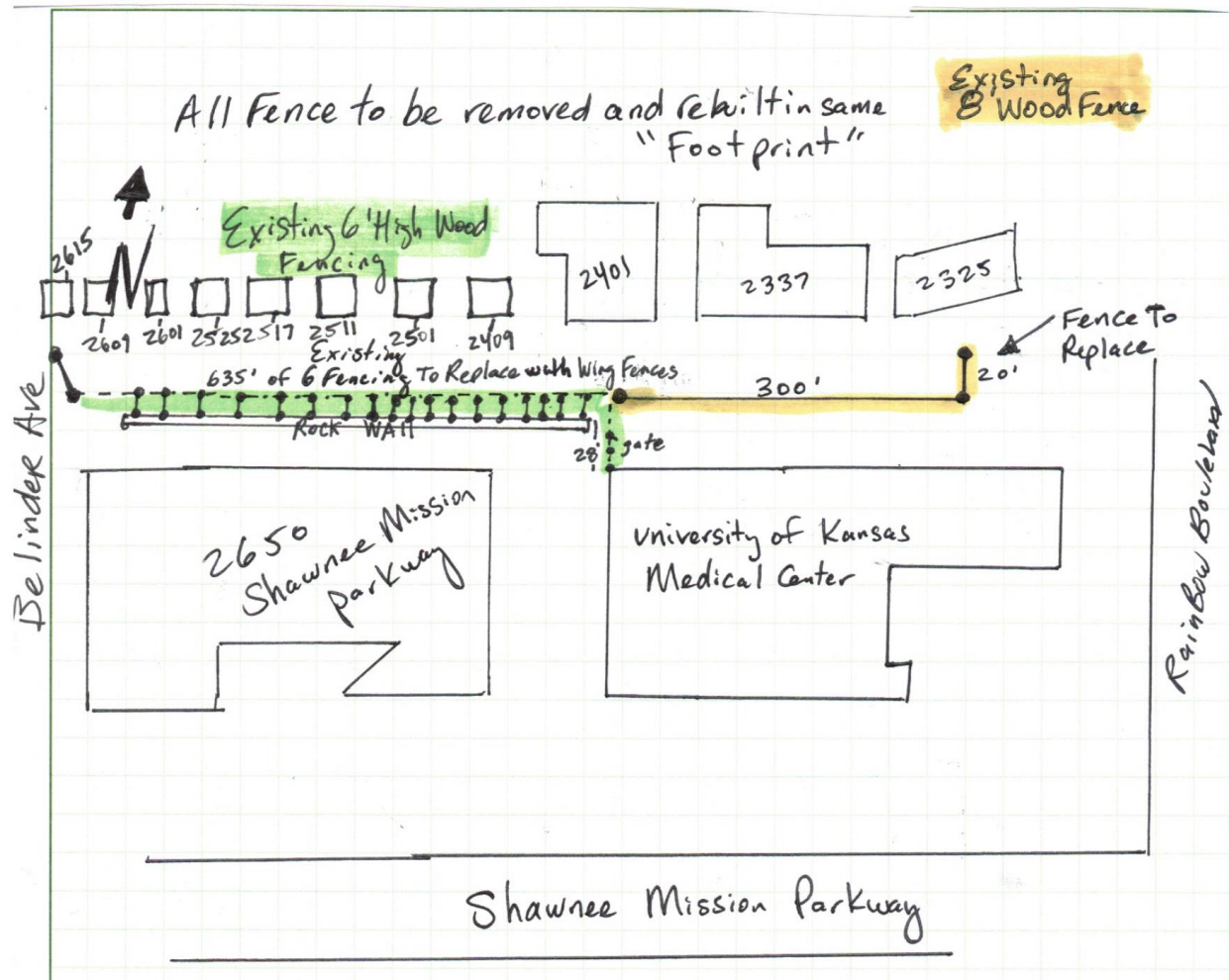
The City Council may approve fence variances pursuant to Westwood Zoning Ord. Section 4.3.9.F, and as set forth below.

4.3.9 Fence and Wall Standards

- F. *Fences or walls which would fail to comply with any other requirement of this Ordinance may be constructed and maintained, contingent upon the following:*
 - 1. *Application shall be made to the Governing Body, which shall study said application to determine the following:*
 - a. *the fence or wall will not adversely affect the general welfare of the immediate neighborhood in which the fence or wall is to be erected, taking into consideration factors including, but not limited to, the value of the property and the safety of residences in said neighborhood;*
 - b. *the appearance, location, and purpose of the proposed fence or wall;*
 - c. *the effect on adjoining properties;*
 - d. *the size of the area to be enclosed; and*
 - e. *the desirability of open views with regard to beauty, value and safety of the neighborhood; and*
 - f. *with respect to any fence on a lot adjacent to a street, a variance shall not be granted if the proposed fence would interfere with a safe view of the street for vehicular traffic, or would impair the view from any nearby driveway, or would extend closer to the street than the adjacent front yard setbacks.*
 - 2. *Said application must be approved by at least four of the five members of the Governing Body.*

Proposed Fence

An illustration of the location of the proposed fence is provided below.



The applicant desires to replace the existing fence, part of which is already 8' tall and part which is 6' tall with a continuously 8' tall wooden picket fence. The new fence would be built in the exact same location as the existing fence providing more shielding from light and noise. A strict application of this Zoning Ordinance provision would require that the fence not exceed 6' in height.

Staff Comments/Recommendation

Pursuant to previous City Council direction, City staff has evaluated the following factors:

- Neighbor acknowledgement/consent – Applicant has written letters notifying neighboring properties of this plan. Direct contact was made with three residents adjacent to the 6' portion of the fence who were in favor of increasing height to 8'.
- ROW impediment – No;
- Established tree impact/removal – Existing trees will be worked around and trimmed if necessary; and

d. Resulting sight lines issues - No.

City staff has no objections to the requested variance.

Suggested Motion

I move to approve the requested fence variance at 2330 Shawnee Mission Parkway to build an 8' wooden picket fence along the entire south side of the property as described in the application.