

## COUNCIL ACTION FORM

Meeting Date: November 14, 2024

Staff Contact: Leslie Herring, City Administrator

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Agenda Item: Consider Fence Variance Request – 4720 Rainbow Blvd., University of Kansas Health System would like to replace an existing 6' wood privacy fence with an 8' wood privacy fence

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### Background / Description of Item

On October 28, 2024, City staff received an application for a fence variance at 4720 Rainbow Blvd. Gaylyn Gorup, Director of Facilities, for University of Kansas Health System, has applied for a building permit to replace an existing 6' wood privacy fence with an 8' wood privacy fence which is separating the medical office from the residence at 2400 W. 47<sup>th</sup> Ter. This is illustrated on the next page of this staff report.

This application requires a variance for:

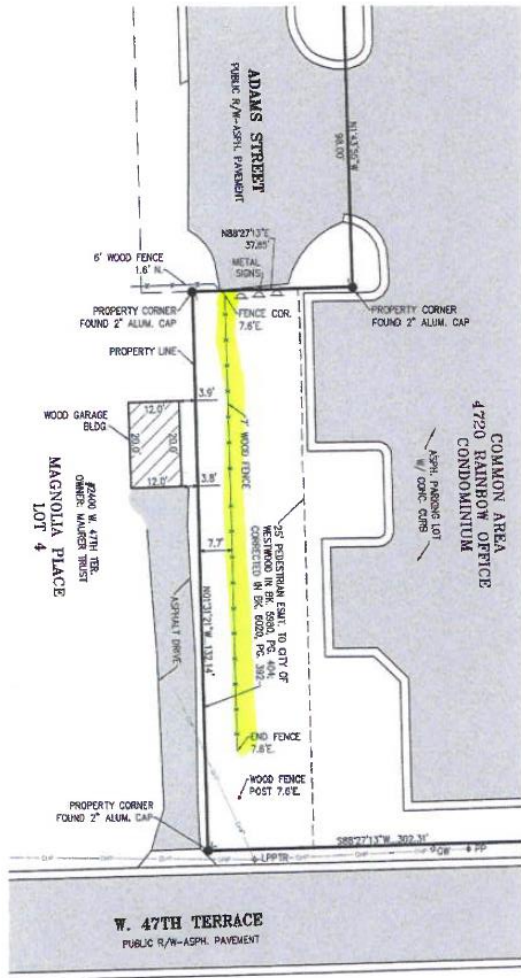
Westwood Zoning Ordinance 4.3.9.B.1. limiting fences to 6' in height.

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

- 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.*

### Fence Location

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



### Existing Fence

Photos of the existing fence to be replaced are provide below.



**Staff Comments/Recommendation**

The applicant desires to modify the existing fence, which is already 6' tall, by replacing it with an 8' tall fence to prevent vehicle headlights from shining into the resident's house.

A strict application of this Zoning Ordinance provision would require that the fence not exceed the 6' in height that it is currently.

Pursuant to previous City Council direction on fence variances, City staff evaluated the following factors:

- a. Neighbor acknowledgement/consent – The fence lines only one property, that of the 2400 W. 47<sup>th</sup> Ter.; this resident has complained to KUHS that headlights are shining into his home
- b. ROW impediment – No;
- c. Established tree impact/removal –No; and
- d. Resulting sight lines issues - No.

I do not have any objections to the requested variance. The modified fence would provide better shielding of headlights.

***Suggested Motion***

*I move to approve the requested fence variance at 4720 Rainbow Blvd. to allow an 8' high fence on the property as described in the application.*