

COUNCIL ACTION FORM

Meeting Date: August 8, 2024

Staff Contact: Nick Finck, Building Official

Agenda Item: Consider Fence Variance Request – 4935 Belinder Avenue, Westwood View Elementary would like to install a section of 12' tall fence behind the northern soccer field goal.

Background / Description of Item

On July 10, 2024, City staff received an application for a fence variance for 4935 Belinder Avenue. Tyler Clubb, Director of Facilities for the Shawnee Mission School District, has applied for a building permit to modify a length of 44' of the existing 6' black chain link fence to add an additional 6' of height, resulting in a 12' black chain link fence running along the north side of the soccer field separating the school from the residences on 49th Terrace. 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.

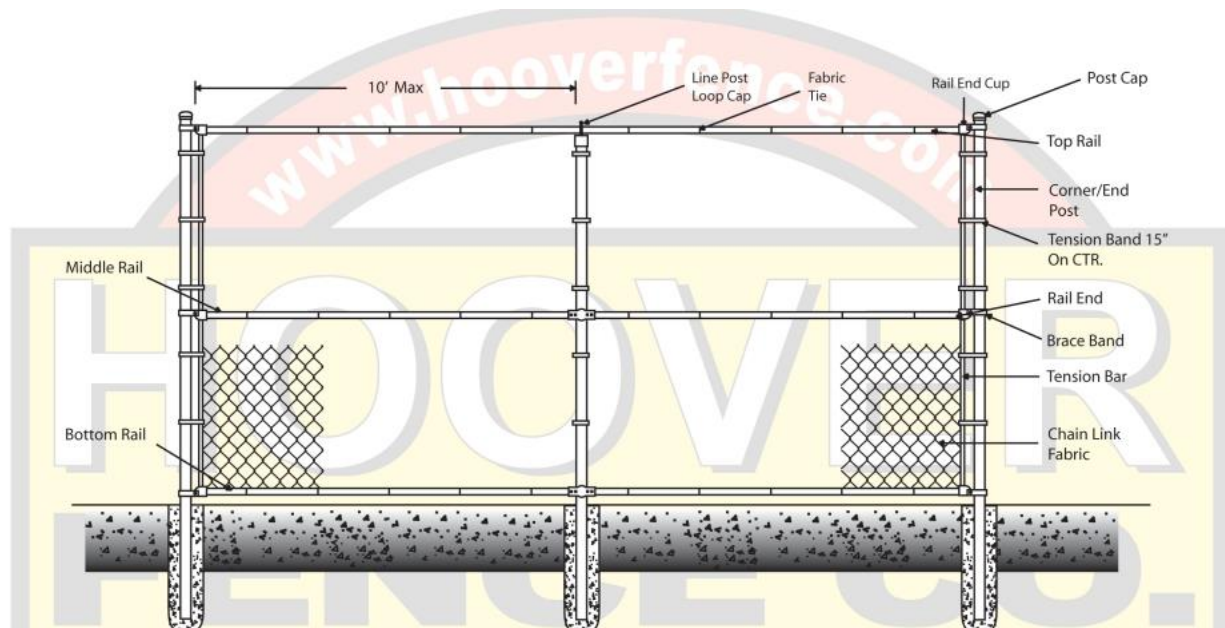
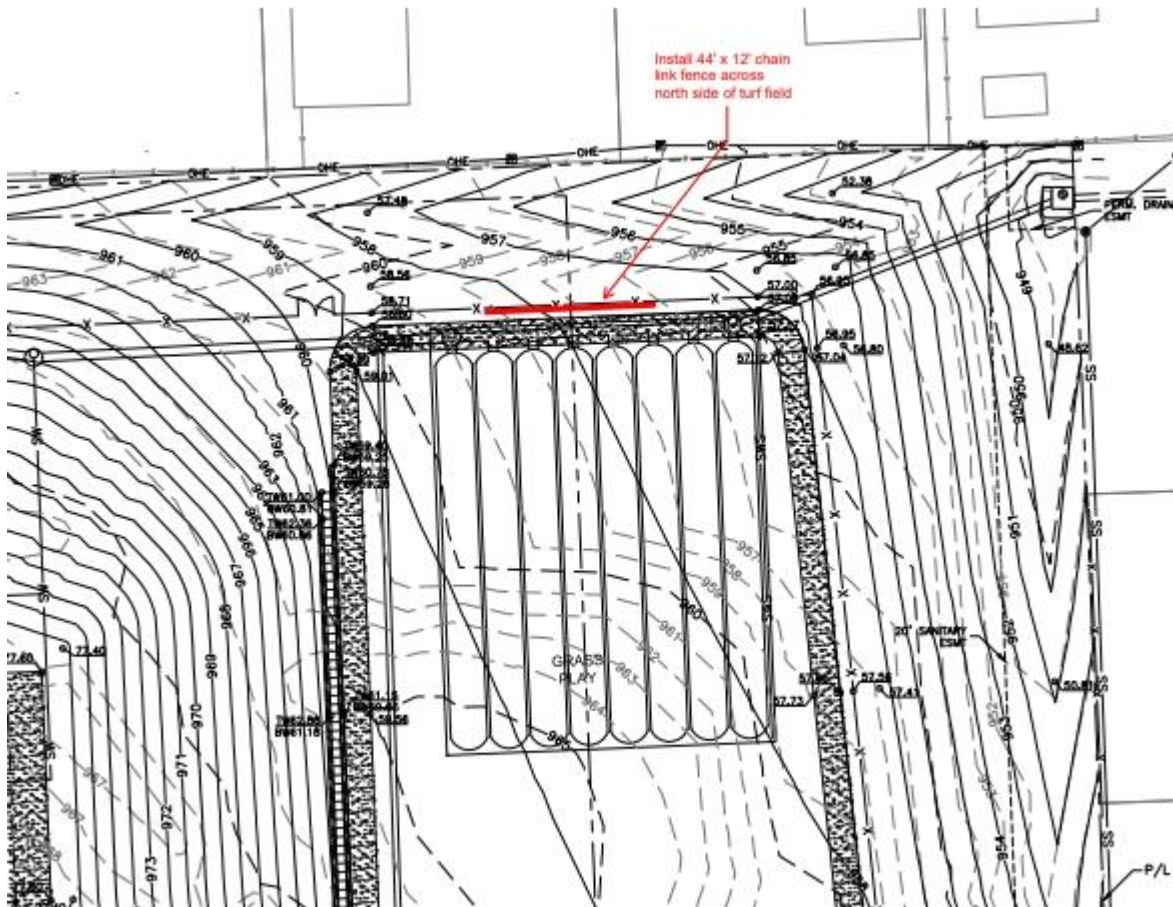
Westwood Zoning Ordinance 4.3.9.A.2 requiring fences over 4' in height to be constructed from wood.

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.*

Proposed Fence

An illustration of the location of and plan for the proposed fence is provided below.



Staff Comments/Recommendation

The applicant desires to modify the existing fence, which is already 6' tall, by extending the height of the fence to 12' for a 44' long section. 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 – Applicant has heard complaints from neighbor to the north of the soccer field. Other neighbors with sightlines of the soccer field and fence replacement were notified by letter from the City of this application.
- 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 from balls kicked over or past the goal. The City has received multiple complaints about balls flying into neighboring properties since the school opened.

Suggested Motion

I move to approve the requested fence variance at 4935 Belinder Avenue to allow a 12' high fence along a 44' section on the north side of the soccer field on the property as described in the application.