



**ISSUED BY THE COMMUNITY DEVELOPMENT  
DEPARTMENT STILLWATER, OKLAHOMA**

**Date of Meeting:** July 9, 2020  
**Subject:** Variance to Section 23-121 (b), setbacks, height, and front yard usage requirements of the City Code to allow for a 6 foot privacy fence.  
**Project Name:** Jonathan Kelly/Green Acres Rentals, LLC  
**Location:** 1005 S Knoblock

### **BACKGROUND**

The subject site is located at the southeast corner of the intersection of S Knoblock and 10th Avenue. The property is zoned RSS with RSS zoning to the south, east, and west. RTM Zoning is located to the north of the property.

The Land Development Code allows for fences of four feet or less in height, if located within the front yard setback. This lot fronts onto two city streets, therefore it has two front yards. City code also states that fences taller than 4-foot in height cannot be within the required setbacks without a variance and they cannot be within the right-of-way.

The applicant has constructed a replacement fence for the dilapidated chain link fence. The replacement fence is located in the same location as the previous fence, which is situated near the property line along both 10<sup>th</sup> and Knoblock. The replacement fence is located on the property with an approximate one foot setback along 10<sup>th</sup> and Knoblock. The fence is outside of the sight vision triangle and may to be located within the public right-of-way. The proposed variance would allow for the fence to remain at the 6-foot height.

This item was originally heard at the June 4, 2020 meeting and continued until this meeting.

### **CODE APPLICATION**

#### **Sec. 23-121 (b) Exemptions, setbacks for fences, projections into yards:**

Fences shall be zero to four feet in all setbacks. Fences may be between four and eight feet in the rear and side setback, provided no fence shall be taller than four feet in the front setback.

### **CRITERIA FOR APPROVAL**

The Board of Adjustment must find that each of the following four criteria have been met based on evidence and testimony received from the applicant and during the public hearing. Such approval may be granted in whole, in part, or with reasonable modifications and conditions.

- (1) The application of the ordinance to the particular piece of property would create an unnecessary hardship;
- (2) Such conditions are peculiar to the particular piece of property involved;
- (3) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the Comprehensive Plan; and

- (4) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

**ALTERNATIVES**

The Board of Adjustment has the following alternatives of action:

1. Find that each of the criteria for approval of the request is met. The Board will explain how each criterion is met in order to approve the variance(s).
2. Find that each of the criteria for approval of the request is met by imposing modifications or conditions to ensure that the criteria are met. The Board will explain how the criteria are met to grant partial, conditional, or modified approval of the variance(s).
3. Find that one or more of the criteria for approval of the request is not met and deny the request.
4. Table the discussion to a certain date to allow for additional information to be presented.

**Prepared by:** Rian Harkins, Senior Planner  
**Date of Preparation:** April 21, 2020  
**Attachments:** Area Map, Letter of Justification