



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

Date of Meeting: July 9, 2020
Subject: Variance to Section 23-121 (b), fence heights in the front yard setback.
Project Name: Arnold Heights Addition 2nd Block
Location: 1101 S McDonald St

BACKGROUND

The subject site is located at the northwest corner of the intersection of McDonald Street and W 11th Avenue. The property is zoned RS, Small Lot Single-Family Residential District and the same residential zoning surrounds 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 is a corner lot and has two front yards. City code states that fences taller than 4-feet in height cannot be within the required front yard setbacks without a variance.

The subject site is a corner lot and has a 20-foot front yard setback on W 11th Avenue and S McDonald Street. The request is to alleviate the fence height in the front yard setback requirement for this property and allow the six foot wood privacy fence to be constructed along McDonald St and 11th Ave. The property owners are proposing to build the six foot fence with a concrete footing and they state that this fence will be well built and maintained. This fence will add value to their property while also providing privacy for the back yard.

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 yard 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: Josh Brown, Planning Technician
Date of Preparation: July 1, 2020
Attachments: Area Map, Site Plan and Letter of Request