

# CITY COUNCIL NOVEMBER 9, 2021



3501 MAPLEWOOD DRIVE  
- Fence Height Variance in Front Yard

## 3501 MAPLEWOOD DRIVE FENCE HEIGHT/ENCROACHMENT VARIANCE



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- Project Description
- Construct a 6 foot tall fence a total of 8 feet into front yard setback (4' allowed)



## 3501 MAPLEWOOD DRIVE FENCE HEIGHT/ENCROACHMENT VARIANCE

### VARIANCE CRITERIA:

- Use is a reasonable one, given the character of the neighborhood
- Unique conditions exist on the property
- Those conditions create practical difficulties in putting the property to that reasonable use; and
- Conditions cannot be created by the owner;
- Conditions cannot be solely economic in nature.

**3501 MAPLEWOOD DRIVE  
FENCE HEIGHT/ENCROACHMENT VARIANCE –  
STAFF AND PLANNING COMMISSION RECOMMENDATIONS**

**Staff and Planning Commission recommend approval** of the requested (and amended) front yard fence height/Encroachment variance at 3501 Maplewood Drive based on the following findings:

- A. The applicant is able to construct a swimming pool, pool deck, and privacy fencing within the proposed 8 foot setback encroachment.
- B. A pool of the size, along with any associated construction such as a pool deck, that would encroach into the front yard will require additional verification of compliance with the terms of the City's impervious surface maximum for residential lots of this size.
- C. The applicant has shown unique conditions on the property that interfere with putting the property to a reasonable residential use, with reasonable use being defined in this case as the significant encroachments toward Maplewood Drive that exist on most of the surrounding properties to the east and west.
- D. Circumstances that would lead to variance approval are the result of the actions of prior owners, and those owners in the neighborhood, and not the actions of the applicant.