



## Legislation Details (With Text)

**File #:** ZBA 19-02      **Version:** 1

**Type:** ZBA      **Status:** Public Hearing

**File created:** 6/4/2019      **In control:** Zoning Board of Adjustment

**On agenda:** 6/25/2019      **Final action:** 6/25/2019

**Title:** Conduct a public hearing and consider a variance request for a fence to encroach the side (front) yard setback of the corner lot located at 14334 Southern Pines Drive; and take appropriate action.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Survey, 2. Survey with Proposed Fence, 3. Corner Yard 1, 4. Corner Yard 2, 5. Corner Yard 3, 6. Corner Yard 4, 7. Code Section, 8. Aerial View Map, 9. Location View Map, 10. Adjacent Property Owners Map, 11. Adjacent Property Owners Letter, 12. Adjacent Property Owners List

Date	Ver.	Action By	Action	Result
6/25/2019	1	Zoning Board of Adjustment		

**Conduct a public hearing and consider a variance request for a fence to encroach the side (front) yard setback of the corner lot located at 14334 Southern Pines Drive; and take appropriate action.**

### BACKGROUND:

**Don Cleghorn / Travis Cleghorn**, owners of Lot 1 Block D of the Brookhaven Hills West subdivision more commonly known as **14334 Southern Pines Drive**, are requesting permission for a fence to encroach the side (front) yard setback of this corner lot. The Code of Ordinances, Article VIII, Section 22-266 states that no fence shall be constructed or maintained within side yards on corner lots where side yards are required adjacent to the street to conform to minimum front yard setbacks of lots fronting upon such street within the same block and upon the same side. A variance to allow a fence to encroach the side (front) yard setback would be necessary to issue the Fence Permit.

### EXPLANATION:

14334 Southern Pines is a corner lot located at the intersection of Pebble Beach Drive and Southern Pines Drive. The property has two front yards with setbacks of 30 feet each, and backs up to the Brookhaven Country Club golf course. The proposed fence would provide privacy and deter daily street traffic such as pedestrians and golf carts that routinely cut through their side (front) yard along Pebble Beach. The proposed fence location would not impede the front yard view of any other houses upon Pebble Beach Drive due to the golf course location which creates a natural break / barrier. The new owners noted that the other 3 homes at this intersection don't appear to have the same 30 foot side (front) yard setback. This information has been verified by the plat.

***Just an informational note regarding variances: All variances are unique to the property and circumstances to which they were granted. While past cases can be discussed and referenced, the testimony at the public hearing, the facts provided in the application, staff report and the evidence of a property hardship should be the basis for all decisions made by the Board.***

### RECOMMENDATION:

Staff is not opposed to this request, as we feel there are special conditions that exist which are unique to this applicant and property.

### ACTIONS:

1. Motion to grant a variance to the Code of Ordinances, Article VIII, Section 22-266 to allow a fence to encroach the side (front) yard setback would be necessary to issue the Fence Permit, (*list conditions if applicable*) because our determination from the facts and evidence presented at the public hearing indicated that literal enforcement of the Code of Ordinances will be contrary to public interest and will result in an unnecessary hardship.

2. Any other action desired by the Board. (*Such as denial, continuing or tabling*)

**ATTACHMENTS:**

Survey

Survey with Proposed Fence

Pictures of all 4 Corner Yards

Notice to Surrounding Property Owners

Code Section

Aerial View Map

Location View Map

Surrounding Property Owner Map

Surrounding Property Owner List