

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY MAY 25, 2021
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call meeting to order
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the May 11, 2021 regular meeting
6. New Business:
 - A. Final Plat for the Buffalo Bluff 2-lot Minor Subdivision located at 137 Belfry Highway.
 - B. Request for a fence height waiver for 1644 29th Street.
7. P & Z Board Matters (announcements, comments, etc.)
8. Council Update
9. Staff Items
10. Adjourn

The public is invited to attend all Planning, Zoning and Adjustment Board meetings. If you need special accommodations to participate in the meeting, please call the City office at (307) 527-7511 at least 24 hours in advance of the meeting.

City of Cody
Planning, Zoning, and Adjustment
Board Meeting May 11, 2021

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of Cody in Cody, Wyoming on Tuesday, May 11, 2021 at 12:00 pm.

Present: Chairman Kayl Mitchell; Richard Jones; Wade McMillin; Scott Richard; Sandi Fisher; Carson Rowley; City Deputy Attorney Sandee Kitchen; City Planner Todd Stowell; Council Liaison Andy Quick; Administrative Coordinator Bernie Butler.

Absent: Rodney Laib

Kayl Mitchell called the meeting to order at 12:00 pm, followed by the pledge of allegiance.

Richard Jones moved to approve the agenda, seconded by Sandi Fisher. Vote on the motion was unanimous, motion passed.

Richard Jones moved to approve the minutes from the April 27, 2021 meeting, seconded by Wade McMillin. Vote on the motion was unanimous, Motion passed.

Richard Jones made a motion, seconded by Carson Rowley, to remove from the table the special exemption request to operate a distillery in the General Business (D-2) zoning District. Vote on the motion was unanimous, motion approved.

Tod Stowell reviewed the special exemption request to operate a distillery (manufacturer spirits) in the General Business (D-2) zoning district at 1221 Alger Avenue. Since the last Planning and Zoning meeting staff has received two new letters from the neighbors. One letter was in support of the distillery, and the other with concerns.

Todd did a site plan visit to Single Track Spirits, the current distillery located on Sage Creek Road in Park County. He found that there was no outside smell, as it was contained in the building. The processing is enclosed. There was no smell for the by-products. They will store the by-products in plastic containers.

Staff has recommended five conditions they would like to distillery to follow:

1. All processing and mash storage shall occur indoors.
2. Follow the 2021 International Building and Fire Codes, including installing a fire sprinkler system in the barrel storage building.
3. Isolate the boiler from the still and alcohol storage.
4. Utilize a low-pressure still.
5. Dispose of spent mash off site, before significant odors occur (typically with two days).

Richard Jones made a motion, seconded by Carson Rowley to approve the special exemption request for Single Track Spirits, to operate a distillery at 1221 Alger Avenue, with the five conditions recommended by staff. Richard Jones, Kayl Mitchell, Sandi Fisher, Wade McMillin, and Carson Rowley voted to approve the motion. Scott Richard voted against the motion. With the majority of the Board in favor, motion passed.

Staff reviewed the preliminary plat for Best Choice, Inc., a 5-lot Minor Subdivision located immediately east of Robert Street and south of Kent Avenue. The project will divide the two current lots into five lots.

The property is 0.91-acre. Lot 1 contains an existing dwelling which will be removed, and replaced with a tri-plex. Lot 2 contains an existing dwelling that will remain. Lot 3 is vacant, but applicant has request to move a house onto it. Lot 4 has an existing dwelling and is large enough to qualify for an accessory dwelling unit. Lot 5 is vacant, with no plan at this time.

Subdivision regulations, development and improvements, and variances were explained by staff.

Carson Rowley made a motion, seconded by Richard Jones to recommend to City Council the approval of the preliminary plat for Best Choice, Inc., with variances 1-4, and conditions 1-15 in the staff report. Vote on the motion was unanimous, motion passed.

A public hearing opened at 12:58 p.m. for a conditional use permit to move a house to Robert Street, south of Kent Avenue. There were no comments from the public. The hearing closed at 12:59 p.m.

Applicant Rick Hordichok of Best Choice Inc., has submitted a conditional use permit to move a house onto lot three of the Best Choice Inc. minor subdivision.

Richard Jones made a motion, seconded by Sandi Fisher to approve the conditional use permit to allow the proposed house to be located on lot 3 of the Best Choice Inc. subdivision, with recommended findings 1 and 2, and conditions 1-3 in the staff report. Vote on the motion was unanimous, motions passed.

Todd Stowell reviewed the site plan for an antique store to be located on the property at 1532 Beck Avenue. The property currently contains a residence and a detached garage/shop. It is located in the General Business (D-2) zoning district and downtown architectural district. The building would be 16' x 28'.

Scott Richard made a motion, seconded by Wade McMillin to approve the site plan for an antique store at 1532 Beck Avenue, with staff recommendations 1-5 in the staff report. Vote on the motion as follows: Richard Jones, Scott Richard, Kayl Mitchell, Sandi Fisher, Wade McMillin voted in favor on the motion, with Carson Rowley voting against the approval. With the majority in favor, motion passed.

Staff reviewed the site plan to authorize a heavy equipment sales and rental facility on the property southwest of Beacon Hill Road and Highway 14A intersection. The property would be leased to Frost Machines for a temporary office building. The site plan would be temporary, until the business is successful and then full site improvements would be constructed.

Richard Jones made a motion, seconded by Scott Richard, to approve the site plan for the proposed heavy equipment sales and rental facility, with recommendations 1, 2, 3 and 5 in the staff report. Vote on the motion was unanimous, motion passed.

With there being no further business to come before the Board, meeting was adjourned at 1:17 p.m.

Bernie Butler

Bernie Butler, Administrative Coordinator

**CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
STAFF REPORT**

MEETING DATE:	MAY 25, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	FINAL PLAT OF THE BUFFALO BLUFF MINOR SUBDIVISION. SUB 2020-08	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

The proposal is to divide the property owner's house and outbuildings at 137 Belfry Highway from the Buffalo Bluff RV Park that has been developed on the northern portion of the property.

The Preliminary Plat was approved subject to the following conditions. All of the conditions have now been completed. In addition, the final plat document has been reviewed for compliance with the subdivision ordinance and conditions of preliminary plat approval. A couple of minor changes were made and no further changes are needed.



Preliminary Plat Conditions:

1. Provide more detailed definition of the utility and access easements on the final plat (lengths and bearings and/or tie points). Expand the width of the easement for the future sewer line to 20 feet per the existing agreement.
2. Expand the utility easement along the highway so that it abuts the right-of-way (don't leave a gap between the easement and the right-of-way).
3. Designate the "pole" portion of Lot 1 as an access and utility easement for the benefit of Lot 2 and the City of Cody.
4. Provide documentation of compliance with the Heart Mountain Irrigation District requirements with the final plat.
5. Verify that the livestock shed meets a 5-foot minimum setback, or address with either fire resistant construction, demolition, or shifting the lot line.
6. The "Certificate and Oath of Surveyor" is left over from the annexation plat. Please replace with the standard Surveyor's certificate.
7. Complete the utility installations per the existing plans and agreements prior to "occupancy" of the development.

It is noted that the utility improvements (extension of City sewer and power) have been completed.

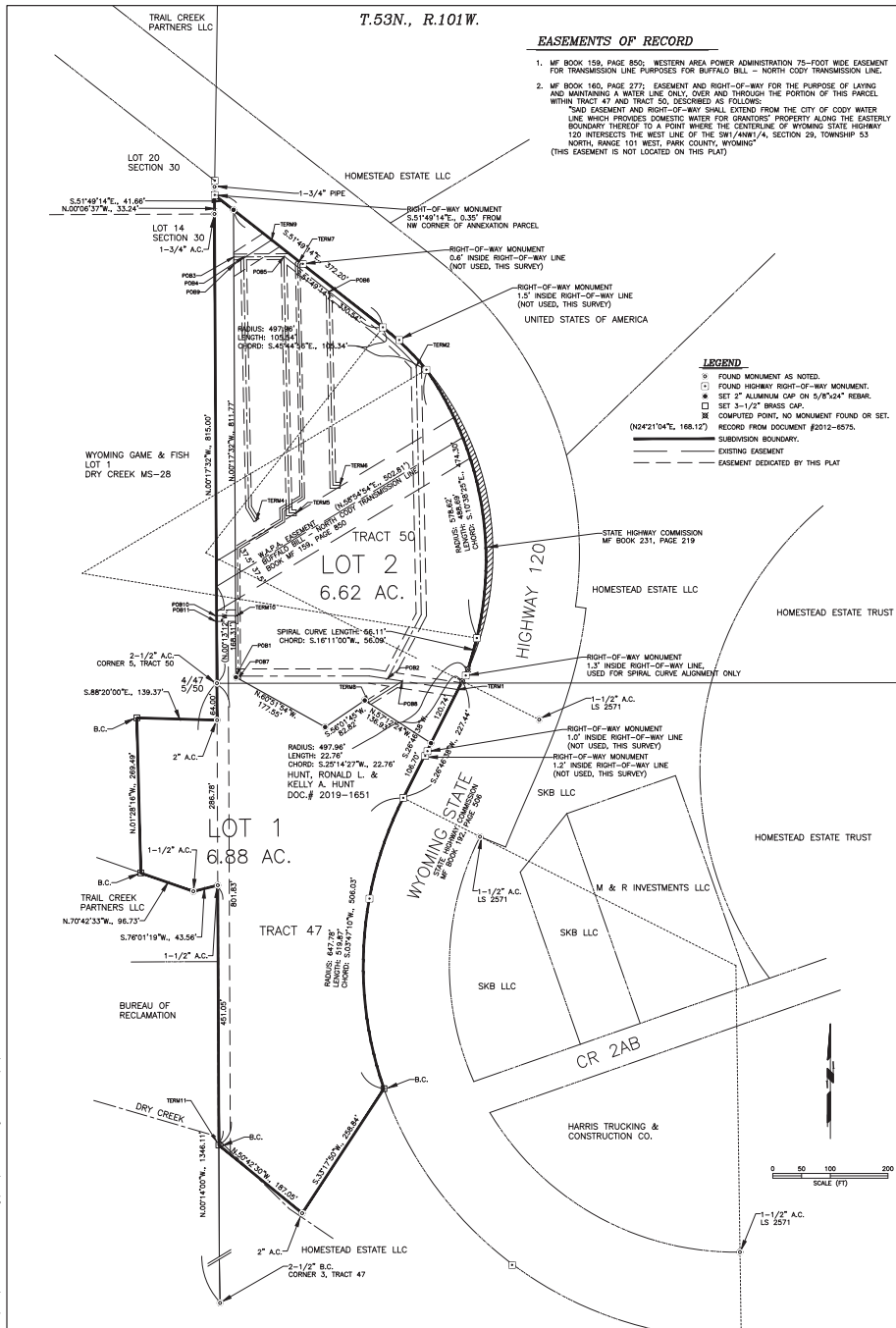
RECOMMENDATION:

As all requirements have been met, recommend that the City Council approve the final plat as presented.

ATTACHMENTS

Final plat

Irrigation District approval documents



1. MF BOOK 159, PAGE 850: WESTERN AREA POWER ADMINISTRATION 75-FOOT WIDE EASEMENT FOR TRANSMISSION LINE PURPOSES FOR BUFFALO BILL - NORTH CODY TRANSMISSION LINE.
2. MF BOOK 160, PAGE 277: EASEMENT AND RIGHT-OF-WAY FOR THE PURPOSE OF LAYING AND MAINTAINING A WATER LINE ONLY OVER AND THROUGH THE PORTION OF THIS PARCEL WITHIN TRACT 47 AND TRACT 50, DESCRIBED AS FOLLOWS:
"SAID EASEMENT AND RIGHT-OF-WAY SHALL EXTEND FROM THE CITY OF CODY WATER LINE WHICH PROVIDES DOMESTIC WATER FOR GRANTORS' PROPERTY ALONG THE EASTERLY BARRIER THEORY TO AND THROUGH THE LINE OF THE CORNER OF WYOMING STATE HIGHWAY 20 INTERSECTS THE WEST LINE OF THE SW 1/4 NW 1/4, SECTION 29, TOWNSHIP 53 NORTH, RANGE 101 WEST, PARK COUNTY, WYOMING;
(THIS EASEMENT IS NOT LOCATED ON THIS PLAT)

STATE OF WYOMING)
COUNTY OF PARK) SS.

KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT I/WE ARE OWNERS AND PROPRIETORS OF A PARCEL OF LAND BEING DESCRIBED BY THAT WARRANTY DEED RECORDED IN DOCUMENT #2019-1651 IN THE OFFICE OF THE PARK COUNTY CLERK, LOCATED WITHIN THE NW1/4SW1/4 AND THE SW1/4NW1/4, SECTION 29, ORIGINAL SURVEY (NOW INCLUDED IN TRACTS 47 AND 50), AND LOT 14 OF SECTION 30, RESERVE TOWNSHIP 53 NORTH, RANGE 101 WEST, 6TH P.M., PARK COUNTY, WYOMING, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

SAID PARCEL CONTAINS 13.50 ACRES, MORE OR LESS.

THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE BUFFALO BLUFF MINOR SUBDIVISION LOCATED WITHIN THE CITY OF CODY; THAT THE SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED; AND THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

STATE OF WYOMING }
COUNTY OF PARK } SS.

By: RONALD L. HUNT KELLY A. HUNT

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY RONALD L. HUNT AND KELLY A. HUNT THIS _____ DAY
OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

I, LYLE J. CASCIATO, OF ENGINEERING ASSOCIATES, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED UNDER MY DIRECTION BETWEEN AUGUST 2019 AND OCTOBER 2020; AND, THAT TO MY KNOWLEDGE, THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.

A STRIP OF LAND 25.00 FEET WIDE FOR UTILITY EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE WEST LINE OF LOT 2, LOCATED N.69°10'33"E., 35.24 FEET FROM CORNER 5 OF TRACT 50, LABELED POB1; THENCE N.89°57'09"E., 231.53 FEET; THENCE S.81°17'47"E., 32.16 FEET TO A POINT LABELED POB2; THENCE CONTINUING S.81°17'47"E., 26.12 FEET TO A POINT LABELED POB3; THENCE CONTINUING S.81°17'47"E., 97.99 FEET, MORE OR LESS, TO THE EAST LINE OF LOT 2, LABELED TERM1, AND

A STRIP OF LAND 18.00 FEET WIDE FOR UTILITY EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE AFOREMENTIONED POB2; THENCE N.27°47'57"E., 125.89 FEET; THENCE N.01°09'21"W., 432.17 FEET, MORE OR LESS, TO A POINT
LOCATED 9.00 FEET SOUTH AS MEASURED PERPENDICULAR FROM THE NORTH LINE OF LOT 2, LABELED TERM2, AND

A STRIP OF LAND VARIABLE IN WIDTH FOR UTILITY EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 1 LOCATED N.02°15'37"E., 740.93 FEET FROM CORNER 5 OF TRACT 50, LABELED POB3; THENCE

WITH SAID EASEMENT BEING 10.00 FEET WIDE, N.89°31'12"E., 17.07 FEET TO A POINT LABELED POB4; THENCE CONTINUING N.89°31'12"E., 69.98 FEET TO A POINT LABELED POB5; THENCE CONTINUING N.89°31'12"E., 1.18 FEET TO A POINT LOCATED 9.00 FEET SOUTH AS MEASURED PERPENDICULAR R THE NORTH LINE OF LOT 2; THENCE WITH SAID EASEMENT BEING 18.00 FEET WIDE, SOUTHEASTERLY PARALLEL WITH AND 9.00 FEET SOUTHERLY OF NORTH LINE OF LOT 2 FOR 99.24 FEET TO A POINT LABELED POB6, THENCE CONTINUING SOUTHEASTERLY PARALLEL WITH AND 9.00 FEET SOUTHERLY OF THE NORTH LINE OF LOT 2 FOR 199.31 FEET TO THE AFOREMENTIONED TERM2, AND

A STRIP OF LAND 10.00 FEET WIDE FOR UTILITY EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE AFOREMENTIONED POB4; THENCE S.01°19'21"E., 434.66 FEET; THENCE S.31°09'21"E., 26.34 FEET TO A POINT LABELED TERM4, AN

A STRIP OF LAND 10.00 FEET WIDE FOR UTILITY EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE AFOREMENTIONED POB5; THENCE S.01°10'27"E., 445.21 FEET; THENCE N.88°50'39"E., 12.59 FEET TO A POINT LABELED TERM5, A

A STRIP OF LAND 10.00 FEET WIDE FOR UTILITY EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE AFOREMENTIONED POB6; THENCE S.01°08'23"E., 336.55 FEET; THENCE N.88°50'39"E., 12.49 FEET TO A POINT LABELED TERM6.

A STRIP OF LAND 8.00 FEET WIDE FOR UTILITY EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 2, LOCATED N.77°24'13"E., 37.87 FEET FROM CORNER 5 OF TRACT 50, LABELED POB7; THENCE N.00°17'32"W., 227.21 FEET; THENCE N.58°50'34"E., 90.96 FEET; THENCE N.01°06'53"W., 19.64 FEET; THENCE N.58°50'39"E., 40.80 FEET; THENCE N.01°06'23"W., 405.35 FEET; THENCE N.38°10'46"E., 4.72 FEET, MORE OR LESS TO THE NORTH LINE OF LOT 2, LABELED TERM7.

A STRIP OF LAND 10.00 FEET WIDE FOR UTILITY EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE AFOREMENTIONED POBB; THENCE S.57°36'33"W., 70.10 FEET, MORE OR LESS TO THE SOUTH LINE OF LOT 2, LABELED TERM8.

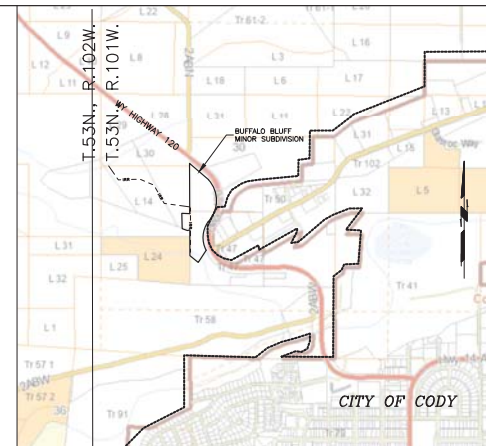
A STRIP OF LAND 35.00 FEET WIDE FOR ACCESS EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 2, LOCATED N.02°18'22"E., 727.89 FEET FROM CORNER 5 OF TRACT 50, LABELED POB9; THENCE N.56°55'49"E., 78.51 FEET, MORE OR LESS, TO THE NORTH LINE OF LOT 2, LABELED TERM9.

A STRIP OF LAND 20.00 FEET WIDE FOR IRRIGATION EASEMENT PURPOSES, THE CENTERLINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 1, LOCATED N.00°17'32"W., 117.54 FEET FROM CORNER 5 OF TRACT 50, EAST, 33.00 FEET, MORE OR LESS TO THE WEST LINE OF LOT 2, LABELED TERM10.

A STRIP OF LAND FOR ACCESS AND UTILITY EASEMENT PURPOSES, BEING ALL OF LOT 1 LYING WITHIN TRACT 50.

A STRIP OF LAND 20.00 FEET WIDE FOR IRRIGATION EASEMENT PURPOSES, LYING EAST OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE WEST LINE OF LOT 1, LOCATED N.00°17'32"W., 127.54 FEET FROM CORNER 5 OF TRACT 50 LABELED P0811; THENCE S.00°17'32"E., 127.54 FEET; THENCE S.00°14'00"E., 801.92 FEET TO THE SOUTHWEST CORNER OF LOT 1, LABELED TRM11.

ALTERATION OF THIS PLAT OTHER THAN BY THE ABOVE CERTIFYING PROFESSIONAL LAND SURVEYOR OR AS OTHERWISE ALLOWED BY LAW MAY AFFECT LIABILITY FOR THE ACCURACY OF SAID PLAT.



SCALE: 1" = 1000'

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____, 20____ BY THE CITY
PLANNING AND ZONING BOARD.

BY: _____
CHAIRMAN

APPROVED THIS _____ DAY OF _____, 20____ BY THE CITY COUNCIL OF CODY,
WYOMING.

MAYOR - MATT HALL

ATTEST: CINDY BAKER
ADMINISTRATIVE SERVICES OFFICER

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY,
WYOMING, AT _____ O'CLOCK _____ M. ON THIS _____ DAY OF _____ 20____, FILED
FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS
COMPUTER RECORD DOCUMENT NUMBER _____.

PARK COUNTY CLERK _____

By: _____, DEPUTY

1. BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.
2. THIS SUBDIVISION IS INTENDED TO ENCOMPASS ALL OF THOSE LANDS OWNED BY RONALD L. AND KELLY A. HUNT AS EVIDENCED BY THAT DEED RECORDED AS DOCUMENT #2019-1651 IN THE OFFICE OF THE PARK COUNTY CLERK, BOUNDED ON THE EAST BY HIGHWAY LANDS DEEDED TO THE STATE, HIGHWAY COMMISSION BY THOSE DEEDS RECORDED IN MF BOOK 192 AT PAGE 508 AND 509 AND BY THOSE DEEDS RECORDED IN SAID CLERK'S OFFICE. THOSE DEEDS ARE FURTHER RECORDED ON AN ANNEXATION MAP (DOCUMENT #2020-4140) IN PLAN CABINET P AT PAGE 59 IN SAID CLERK'S OFFICE.

LOCATED WITHIN
TRACT 50 (SW1/4NW1/4 SEC. 29, O.S.),
TRACT 47 (NW1/4SW1/4 SEC. 29, O.S.),
AND LOT 14 OF SECTION 30,
RESURVEY T.53N., R.101W.,
PARK COUNTY, WYOMING

LANDOWNERS: RONALD L. AND KELLY A. HUNT
137 BELFRY HWY. (HWY. 120)
CODY, WY 82414

PREPARED BY: **ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS**



JOB NO. 19067.01 REV-MAY 17, 2021
P:\2019\19067.01\19067 PLAT.DWG



CITY OF CODY
WYOMING

Todd Stowell <todds@cityofcody.com>

Heart Mountain Irrigation District - Comment

2 messages

Analyst/Treasurer <hmid00@tritel.net>

Fri, May 14, 2021 at 12:32 PM

To: todds@cityofcody.com

Cc: Rob Overfield <RobertOv@eaengineers.com>, mary@mreattorneys.com, Kim Kujala <kim@mreattorneys.com>

Afternoon Todd,

Please find attached, the approved water distribution plan for the Buffalo Bluff minor subdivision.

This was approved during the May 11th, regular meeting of HMID Commission.

Thank you,

Tyler Weckler

Manager

307-754-4685

Heart Mountain Irrigation District

[1206 Road 18](#)

[Powell, WY 82435](#)

Hmid00@tritel.net



Buffalo Bluff RV Park WDP_Aproved_Signed 5-11-21.pdf

707K

Todd Stowell <todds@cityofcody.com>

Mon, May 17, 2021 at 9:07 AM

To: Analyst/Treasurer <hmid00@tritel.net>

Cc: Rob Overfield <RobertOv@eaengineers.com>, Mary Helen Reed <mary@mreattorneys.com>, Kim Kujala <kim@mreattorneys.com>

Thanks. I'll be sure the irrigation easements are added to the plat, or otherwise established.

Todd Stowell, AICP

Community Development Director/City Planner

City of Cody, Wyoming

(307) 527-3472

www.cityofcody-wy.gov

[Quoted text hidden]

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	MAY 25, 2021	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	REQUEST FOR 6-FOOT VINYL PRIVACY FENCE IN FRONT YARD OF 1644 29 TH STREET	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

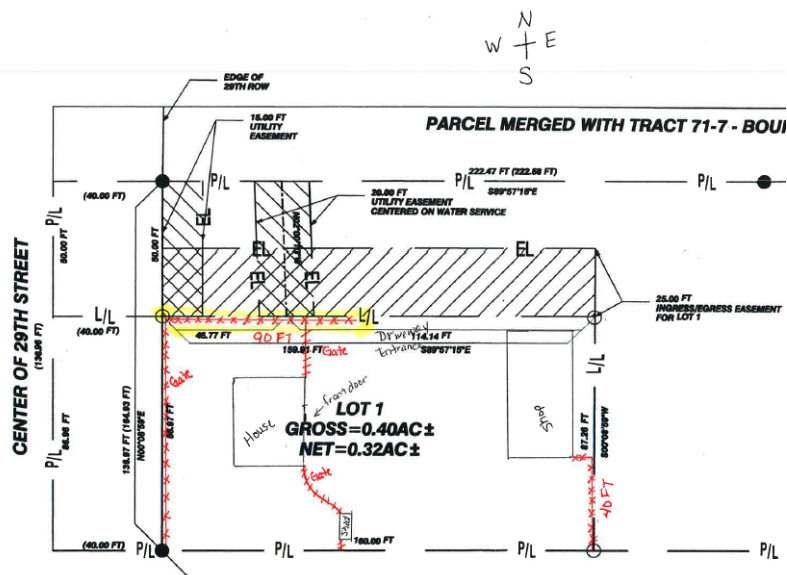
Andrew, Benjamin and Jaime Nelson as owners of 1644 29th Street have submitted a fence-height-waiver request in order to install a 6-foot privacy fence along the front lot line of the property. The City fence requirements limits the height of solid fences to three feet within the front yard setback area (4' if at least 40% open).



REVIEW PROCEDURE:

Section 9-4-1(E)(1) of the City of Cody Code states that the Planning and Zoning Board may approve a fence taller than that specified when the additional height will not have any adverse impacts to neighboring properties or the public health and safety.

It is noted that this is a corner lot. When applying fence regulations, we typically consider the front yard to be the same as that used for setback purposes. In this case, that means that the yard along 29th Street would be considered the front yard and the yard along Granite Court a side yard. A 6-foot fence is allowed in the side yard without the need for a height waiver.



The review process requires the applicant to notify owners of the adjacent lot(s) of the request and allow them up to ten (10) days to provide comments. The applicants have indicated that they have provided both written and verbal notice to the owners of the properties to the north, east and west. Notice to the owners of the properties to the south was not initially specified as there was, and still is, some confusion as to whether the notice is to go to the lots adjacent to the subject property, or only to those adjacent to the proposed fence. To avoid any claim of inadequate notice, the applicant is in the process of notifying the property owners to the south, and will be able to report at the meeting.

Of the owners that have been notified, none have presented any objection.

Staff has reviewed the request, and is not opposed to the request due to the following factors:

1. The fence will be located approximately 26 feet from the edge of the 29th Street asphalt. This does not create the same appearance as a 6-foot fence immediately at the back of a sidewalk or at the edge of a road.
2. The property where the fence will be located is a foot or two lower than the center of 29th Street, so to some degree the taller fence height is compensating for the elevation difference.
3. The location is not within any existing or anticipated City utility easements.
4. There is approximately 11 feet between the edge of Granite Court and the fence, which combined with the distance from 29th Street allows for good sight distance at the intersection of Granite Court and 29th Street.



ALTERNATIVES:

Approve or deny the request for a 6-foot-tall privacy fence in the front yard of 1644 29th Street.

RECOMMENDATION:

Provided the applicant provides notice to the property owners to the south, approve the request for a 6-foot privacy fence along the 29th Street property line.

April 29, 2021

Dear Mr Stowell,

Andrew, Benjamin & Jaime Nelson are requesting an exemption to the height restriction for front yard fences for the property located at 1644 29th Street. We would like to build a 6 foot vinyl fence instead of the current limit of 4 foot. This would insure additional privacy for our property, decrease noise, match the other planned fence (along 29th) and match the existing, neighboring fences on the south side of the property. Proposed fence will run from the northwest corner (Granite Court & 29th Street) east, parallel to Granite Court to the driveway entrance of the property.

The northwest corner of the fence is approximately 26 feet from the curb of 29th Street. The fence is approximately 11 feet from the edge of Granite Court (a private drive). The fence would parallel Granite Court. While the Granite Court side of the property is considered to be the front yard, the front of the house actually faces east and our own driveway/parking area.

Thank you for considering our request.

Andrew, Benjamin & Jaime Nelson