

**Agenda Item 23-0037 (Lewis Kuhlman)**

Resolution approving Application of Philip Gelatt Sr. for a Conditional Use Permit at 1304 Cass Street allowing for a seven-foot, ten-inch privacy fence.

**General Location**

Council District 4, Weigent Hogan Neighborhood, on the south side of Cass St and one block east of West Ave. as depicted in Map 23-0037. Adjacent buildings included mansions, a retirement home, and a church.

**Background Information**

The applicant purchased 1304 Cass St in February 2022 and would like to add a 7'10" wall near the southern lot line it shares with 323 13<sup>th</sup> St. In 2019, these two parcels were divided from each other and then each sold. In 2022, the owner of 323 13<sup>th</sup> St. built a large residence closer to their shared property line than the previous building on the lot.

The municipal code limits residential fences to six feet in height between parcels, but fences up to eight feet may be allowed with a conditional use permit. The applicant requested a CUP to completely obstruct the view of the neighbors first floor windows. The site plan indicates the wall would not encroach into a vision corner or have the full height of the wall closer than three feet to the public right-of-way. The plan for the fence shows facades of the wall matching the houses on each side. The shrubs along the property line would remain.

**Recommendation of Other Boards and Commissions**

None

**Consistency with Adopted Comprehensive Plan**

Fences over six feet are not directly addressed, but the parts of the plan that mention fences encourage low fences.

**Staff Recommendation**

**Approval** – The application meets the conditional use requirements of the Municipal Code.

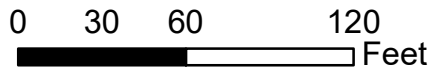
**Routing** J&A 1.31.2023

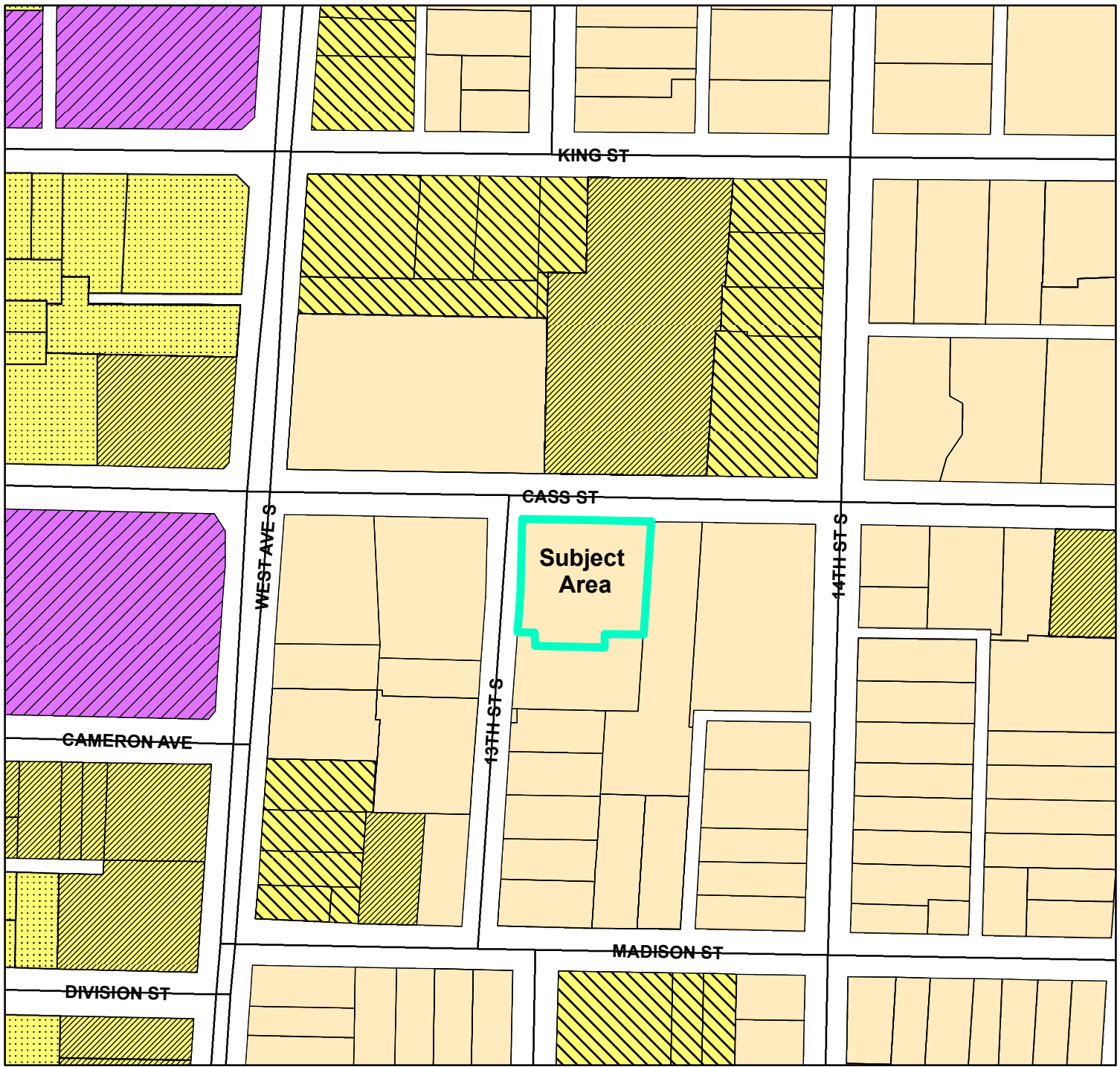


## BASIC ZONING DISTRICTS

	R1 - SINGLE FAMILY
	R2 - RESIDENCE
	WR - WASHBURN RES
	R3 - SPECIAL RESIDENCE
	R4 - LOW DENSITY MULTI
	R5 - MULTIPLE DWELLING
	R6 - SPECIAL MULTIPLE
	PD- PLANNED DEVELOP
	TND - TRAD NEIGH DEV.
	C1 - LOCAL BUSINESS
	C2 - COMMERCIAL
	C3 - COMMUNITY BUSINESS
	M1 - LIGHT INDUSTRIAL
	M2 - HEAVY INDUSTRIAL
	PS - PUBLIC & SEMI-PUBLIC
	PL - PARKING LOT
	UT - PUBLIC UTILITY
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	A1 - AGRICULTURAL
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