



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Historic Landmark Commission

From: Michael Maloy, AICP, Senior Planner, (801) 535-7118 or michael.maloy@slcgov.com
Kristina Haycock, Planning Intern, (801) 535-7757 or kristina.haycock@slcgov.com

Date: May 4, 2017

Re: PLNHLC2016-00716 Minor Alteration for Over Height Fence
PLNPCM2016-00717 Special Exception for Over Height Fence

Minor Alteration & Special Exception

PROPERTY ADDRESS: 378 N Quince Street (approximately 150 West)

PARCEL IDENTIFICATION: 08-36-283-002

MASTER PLAN: Low Density Residential 5-15 Dwelling Units per Acre, Capitol Hill Historic District

ZONING DISTRICT: SR-1A Special Development Pattern Residential District, and H Historic Preservation Overlay District (see Attachment D – Historic District Map)

REQUEST: The petitioner, Jyllanna Sweet, is requesting approval of a minor alteration and special exception for an over height fence that was recently built primarily within a rear yard. The height of the fence varies from approximately 6'-4" to 11'-0".

RECOMMENDATION: Planning Division staff recommends approval with conditions.

MOTION: Based on information contained within the staff report, and testimony received, I motion the Historic Landmark Commission approve petition number PLNHLC2016-00716 Minor Alteration, and petition number PLNPCM2016-00717 Special Exception, for an over height fence located within the rear yard of 378 N Quince Street with the following conditions:

1. The applicant shall reconstruct or relocate the gate and fence adjacent to 400 North to comply with City Code 21A.40.120.E Height Restrictions and Gates as illustrated in City Code 21A.62.050.I Sight Distance Triangle.
2. The applicant shall redesign the existing wood fence located along the rear (east) and interior side (south) yard property lines to not exceed a maximum height of 8'-0". The vertical wood slats of the lower 6'-0" may form a "solid" visual screen, while the upper 2'-0" may incorporate an "open" wood lattice. However, under no condition shall the upper 2'-0" of the 8'-0" fence be solid or opaque.

ATTACHMENTS:

- A. Vicinity Map
- B. Property Line Survey
- C. Property Photographs
- D. Historic District Map
- E. Public Comment
- F. Analysis of Standards

PROJECT DESCRIPTION:

The subject property, which has frontage on both Quince Street and 400 North Street, is zoned SR-1A Special Development Pattern Residential District. The subject property is also within the H Historic Preservation Overlay District. According to a 2006 Reconnaissance Level Survey, the 0.40 acre property contains a Victorian Gothic “crosswing” dwelling constructed in 1872, and is a “contributing” structure in the Capitol Hill Local Historic District.

To improve privacy and provide security, the applicant constructed a wood fence along the interior side yard (south) and rear yard (east) of a single family dwelling located at 378 N Quince Street (subject property). Portions of the fence were constructed on top of a preexisting retaining wall. It should be noted that grade changes and retaining walls on or near property lines are common within this Capitol Hill neighborhood. The height of the fence, which is measured from finished grade, varies from approximately 6'-4" to 11'-0".

The applicant also constructed a visually opaque wood fence along a secondary street frontage on 400 North Street. The gate allows vehicle access to off-street parking within the rear yard of the subject property.



For additional information about the proposal, see Attachment A – Vicinity Map, Attachment B – Property Line Survey, and Attachment C – Property Photographs.

Unfortunately, due to a misunderstanding, the applicant constructed the fence without a building permit. In response to an anonymous complaint, a City Inspector contacted the property owner, Jyllana Sweet, and informed her of the error. It was also discovered that the fence exceeded height limits. However, additional fence height may be approved by the Historic Landmark Commission if found to be compliant with the applicable standards of Chapter 21A.52 Special Exceptions in the Zoning Title (see Attachment F – Analysis of Standards).

The applicant was also informed by the City that the design of the fence is subject to the following “**design guideline**” adopted by the City in *A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City*:

1.3 Use materials that appear similar to that of the original for a replacement fence.

- A painted wood picket fence is an appropriate replacement in many locations.
- **A simple metal fence, similar to traditional “wrought iron” or wire, may also be considered.**
- Review early examples nearby to identify appropriate design options.
- *Fence components should be similar in scale to those seen historically in the neighborhood* (italics added for emphasis).

In addition to the previously noted special exception regulations, and design guidelines, the following excerpt from Title 21A Zoning applies to fences and walls in the SR-1A Special Development Pattern Residential District:

21A.40.120.E. Height Restrictions and Gates:

1. General Height:

a. Residential Zoning Districts: Except for the special foothills regulations as outlined in subsection 21A.24.010P of this title, no fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and front building line of the facade of the principal structure that contains the primary entrance.

3. Corner Side, Side, Rear Yards; Sight Distance Triangle: Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure for residential zoning districts and up to any required front yard setback line for all other zoning districts), required side yard or required rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

4. Intersection of Driveway; Sight Distance Triangle: Solid fences, walls and hedges shall not exceed thirty inches (30") in height within the sight distance triangle as defined in section 21A.62.050, illustration I of this title.

5. Sight Distance Triangle and See Through Fences: Within the area defined as a sight distance triangle, see through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

6. Alternative Design Solutions: To provide adequate line of sight for driveways and alleys, the zoning administrator, in consulting with the development review team, may require alternative design solutions, including, but not restricted to, requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other preexisting conditions.

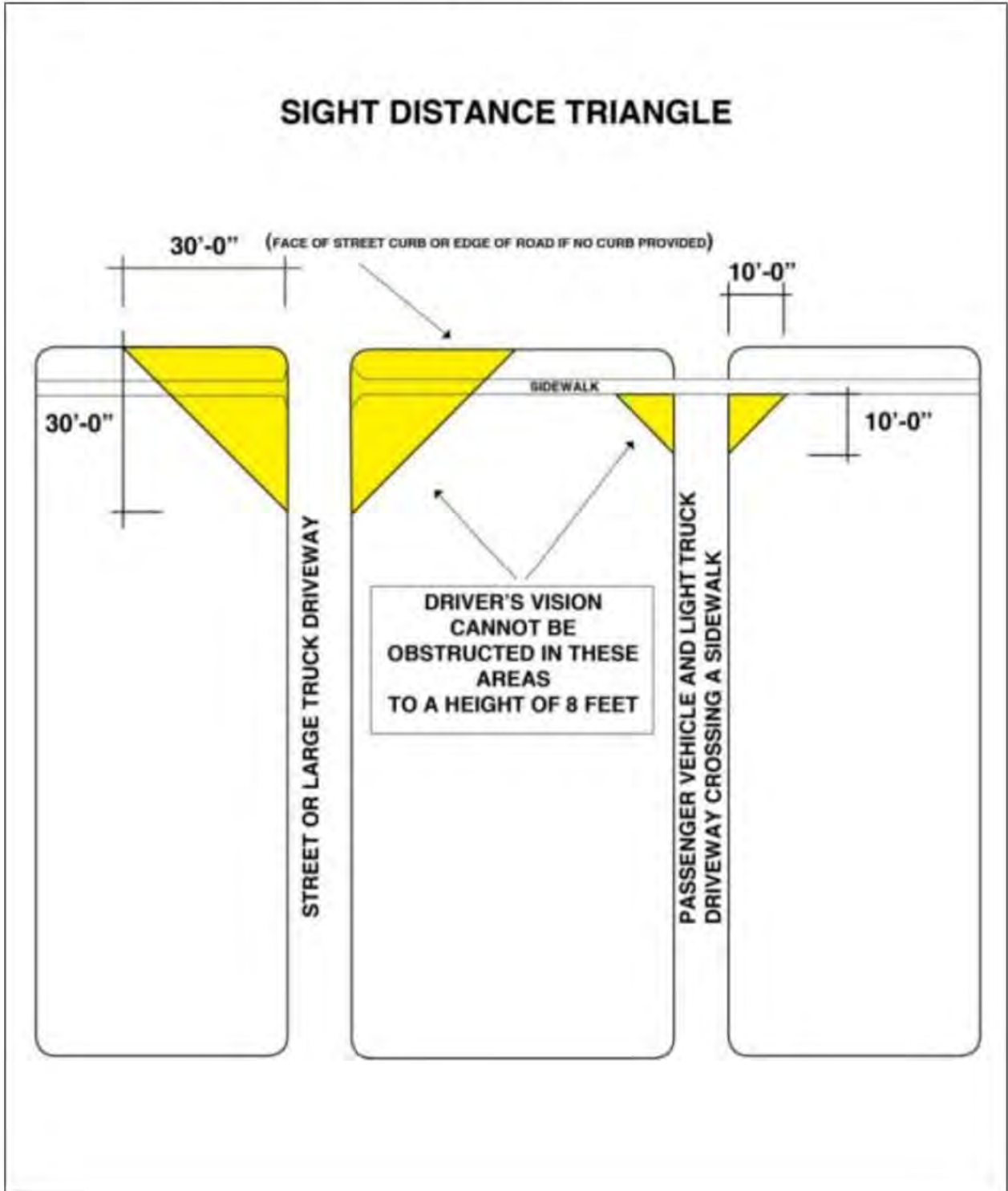
7. Measuring: Measuring the height of a fence shall be from the "finished grade" of the site as defined in section 21A.62.040 of this title.

8. Special Exception Approval Standards: The planning commission or historic landmark commission may approve taller fencing if it is found that the extra height is necessary for the security of the property in question as defined in chapter 21A.52 of this title.

9. Gates: No gate, whether crossing a driveway, walkway, or part of a fence, shall be erected to a height in excess of the standards outlined in this subsection E. To regulate the location of gates and their impact on vehicular staging within the public right of way, passenger vehicles shall require a minimum seventeen foot six inch (17'-6") setback from back edge of sidewalk, or property line when a sidewalk is not provided, and large truck driveways shall require a one hundred foot (100') setback from back edge of sidewalk, or property line when a sidewalk is not provided. All gates are to swing inward to the property or be a roll gate that does not impact the staging area.

As previously mentioned, part of the fence includes a gate across a vehicle driveway from 400 North Street. Based on the height of the fence, which is approximately 6'-4", and placement, which is immediately behind the sidewalk, the existing fence and gate do not comply with the following regulation:

21A.62.050 Illustration of Sight Distance Triangle:



KEY ISSUES:

The following issues have been identified by staff while reviewing the applicant's petitions:

Issue 1: The existing fence does not meet applicable design guidelines for historic district.

Issue 2: The existing fence does not comply with height restrictions of "sight triangle."

Issue 3: The existing fence may or may not meet building code requirements for safety.

Issue 4: The existing fence creates excessive shade on adjacent property.

Issue 1 – Design Guidelines. Within *A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City* design guideline 1.3 states, "Fence components should be similar in scale to those seen historically in the neighborhood." While researching fence heights on the same block as the subject property, staff identified a singular 8'-0" tall wall that extends northward from Apricot Avenue (pictured below):



Approximately 8'-0" Tall Rock Wall on Apricot Avenue

As described in Attachment F – Analysis of Standards, the proposed fence is apparently taller than all other fences on the block. As such, the fence is not compatible with existing development patterns.

Issue 2 – Sight Triangle. According to City Code, **solid fences shall not exceed thirty inches (30") in height** within the sight distance triangle, which in the case of a driveway is 10'-0" from the point of intersection of the sidewalk and the driveway. Because the fence and gate is immediately behind the sidewalk and measures approximately 6'-4" tall, the fence does not comply with applicable regulations and compromises pedestrian safety.

Issue 3 – Building Code. City Code 21A. 40.120F states that fences must be secure and structurally sound to protect public health, safety, and welfare. Furthermore, Building Code requires any fence over 6'-0" tall have a building permit. Because the height of the fence exceeds 6'-0"—and was not inspected by the City—both staff and an abutting property owner are concerned that wind loads were not adequately accounted for in the design and construction of the over height fence (see Attachment E – Public Comment).

Issue 4 – Special Exception Standards. A neighboring property owner has requested the fence be modified based on a variety of concerns, one of which is the **excessive amount of shade cast by the applicant's** fence. While it is true that a neighbor could plant trees—such as evergreens—that may have the same or similar impact, it is reasonable to assume that one of the reasons for the 80% open design feature of the special exception standards is to preserve access to sun light and air flow.

DISCUSSION:

Planning Division staff initially mailed a “notice of application” letter to abutting residents and property owners to announce the petitions and invite public comment. Staff received telephone calls, emails, and a letter that expressed concerns with the fence and gate (see Attachment E – Public Comment). In response to public comment, staff contacted the applicant and discussed options to modify the fence. After a period of time of studying the issues further, the applicant decided to request approval of the existing fence—in its present condition—from the Historic Landmark Commission.

Planning Division staff informed the applicant that due to (1) reasonable public comment concerned with the proposal, (2) lack of compliance with applicable design guidelines, special exception standards, and public safety requirements, and (3) inability to arrive at a compromise acceptable to all affected parties—including the applicant—staff was unable to recommend approval of the existing fence. However, in seeking a resolution to the situation, which is essential for all parties involved, staff recommends approval with conditions that would bring the fence into compliance with applicable design guidelines, the special exception standards, and the sight distances triangle.

NEXT STEPS:

If approved, the applicant will have to apply for a building permit and comply with Building Code to ensure the fence was properly engineered and constructed.

If the application is denied, the applicant will have to apply for a building permit to modify the fence in compliance with City Code.

A decision by the Historic Landmark Commission is subject to appeal to the Appeals Hearing Officer. An appeal must be received within 10 days of publication of the record of decision.

ATTACHMENT A: Vicinity Map



ATTACHMENT B: Property Line Survey



| SYMBOL LEGEND | |
|---------------|---------------------------------|
| | DEED LINE |
| | SURVEY BOUNDARY |
| | FENCE |
| | FOUND REBAR WITH CAP (AS NOTED) |
| | SET REBAR WITH CAP (7736336) |
| | FOUND PLUG IN CONCRETE |
| | SET STAKE ON PROPERTY LINE |

SURVEYOR'S CERTIFICATE

I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 7736336, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE HEREON DESCRIBED PARCEL AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

CHAD A ANDERSON - PLS _____ DATE _____



SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PROVIDE BOUNDARY INFORMATION TO AID IN THE RESOLUTION OF A DISPUTE ON THE EASTERLY BOUNDARY OF SUBJECT PROPERTY. SAID SUBJECT PROPERTY WAS SURVEYED IN DECEMBER OF 1987 BY EDMUND W ALLEN (SEE S88-01-0009) OF WHICH TWO SURVEY MARKERS WERE RECOVERED AND ACCEPTED AS CORRECT. IT APPEARS THAT THE ORIGINAL CURB WALL ON THE EASTERLY BOUNDARY OF THE SUBJECT PROPERTY AS SHOWN IN MR ALLEN'S SURVEY FROM 1987 HAS BEEN PARTIALLY REMOVED AND A NEW RETAINING WALL HAS BEEN CONSTRUCTED ON THE WESTERLY SIDE OF SAID CURB. THE NORTHERLY PORTION OF THE WALL IS STILL EXISTING AND APPEARS TO FOLLOW THE BOUNDARY AS SHOWN.

DESCRIPTION

RECORD:

COMMENCING 5 RODS SOUTH FROM THE NORTHWEST CORNER OF LOT 4, BLOCK 16, PLAT E, SALT LAKE CITY SURVEY; THENCE EAST 123.91 FEET TO THE WEST LINE OF LOT 5; THENCE NORTHERLY ALONG SAID LOT LINE 81.53 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE EAST 24.42 FEET SOUTHERLY 183.89 FEET MORE OR LESS TO THE SOUTH LINE OF SAID LOT 5; THENCE WEST 164.44 FEET TO THE SOUTHWEST CORNER OF LOT 4; THENCE NORTH 99 FEET MORE OR LESS TO BEGINNING.

AS SURVEYED:

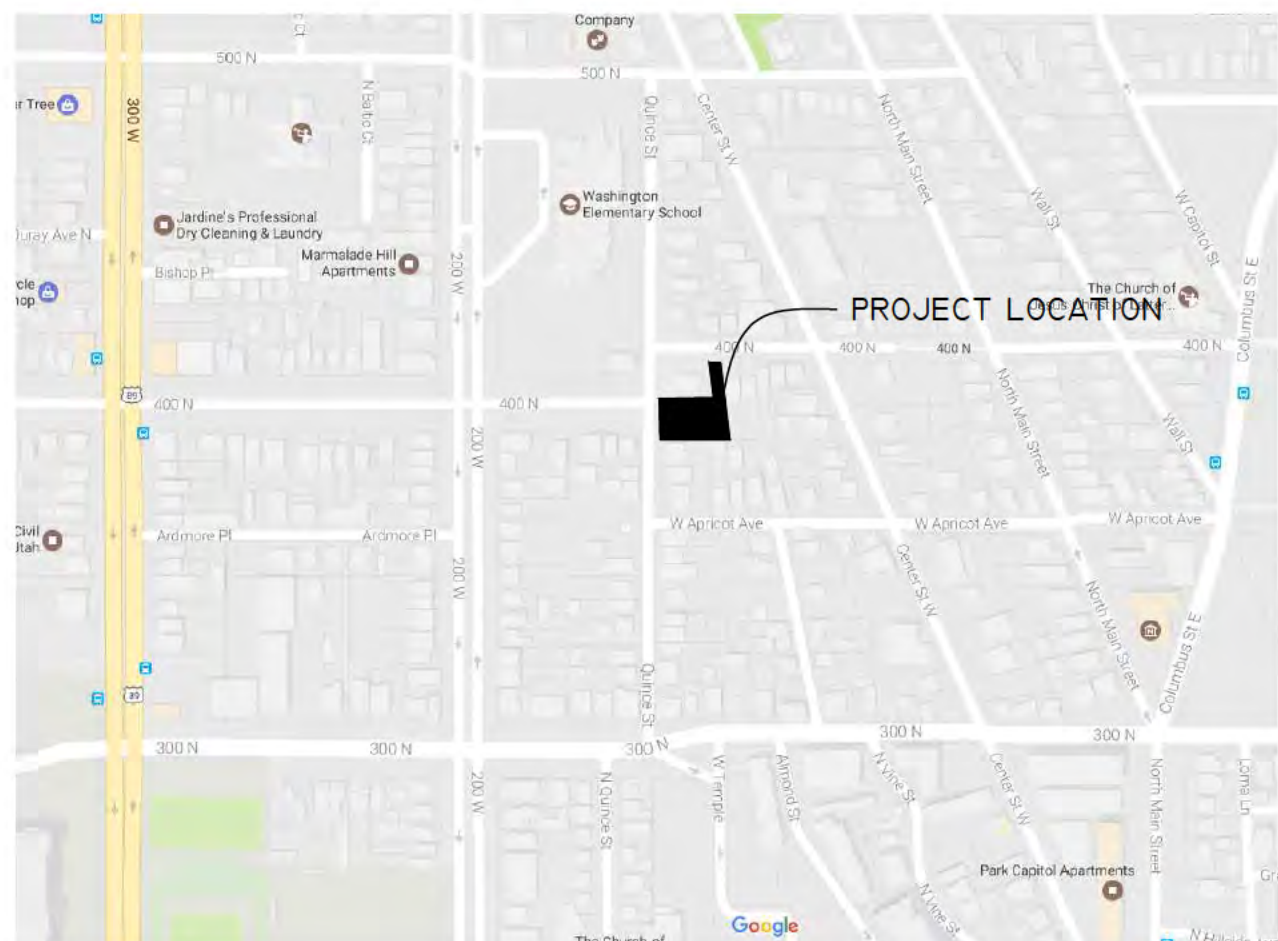
BEGINNING AT A POINT 82.50 FEET S00°42'57"W FROM THE NORTHWEST CORNER OF LOT 4, BLOCK 16, PLAT "E", SALT LAKE CITY SURVEY; AND RUNNING THENCE S89°51'17"E 125.01 FEET TO THE WEST LINE OF LOT 5, OF SAID BLOCK 16; THENCE N08°14'54"W ALONG THE WEST LINE OF SAID LOT 5 83.39 FEET; THENCE S89°51'17"E ALONG THE NORTH LINE OF SAID LOT 5, 25.00 FEET; THENCE S08°14'54"E 183.52 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE S89°24'24"W ALONG THE SOUTH LINE OF SAID LOTS 5 AND 4, 165.64 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N00°42'57"E ALONG THE WEST LINE OF SAID LOT 4, 101.20 FEET TO THE POINT OF BEGINNING.

AREA = 0.41 ACRE

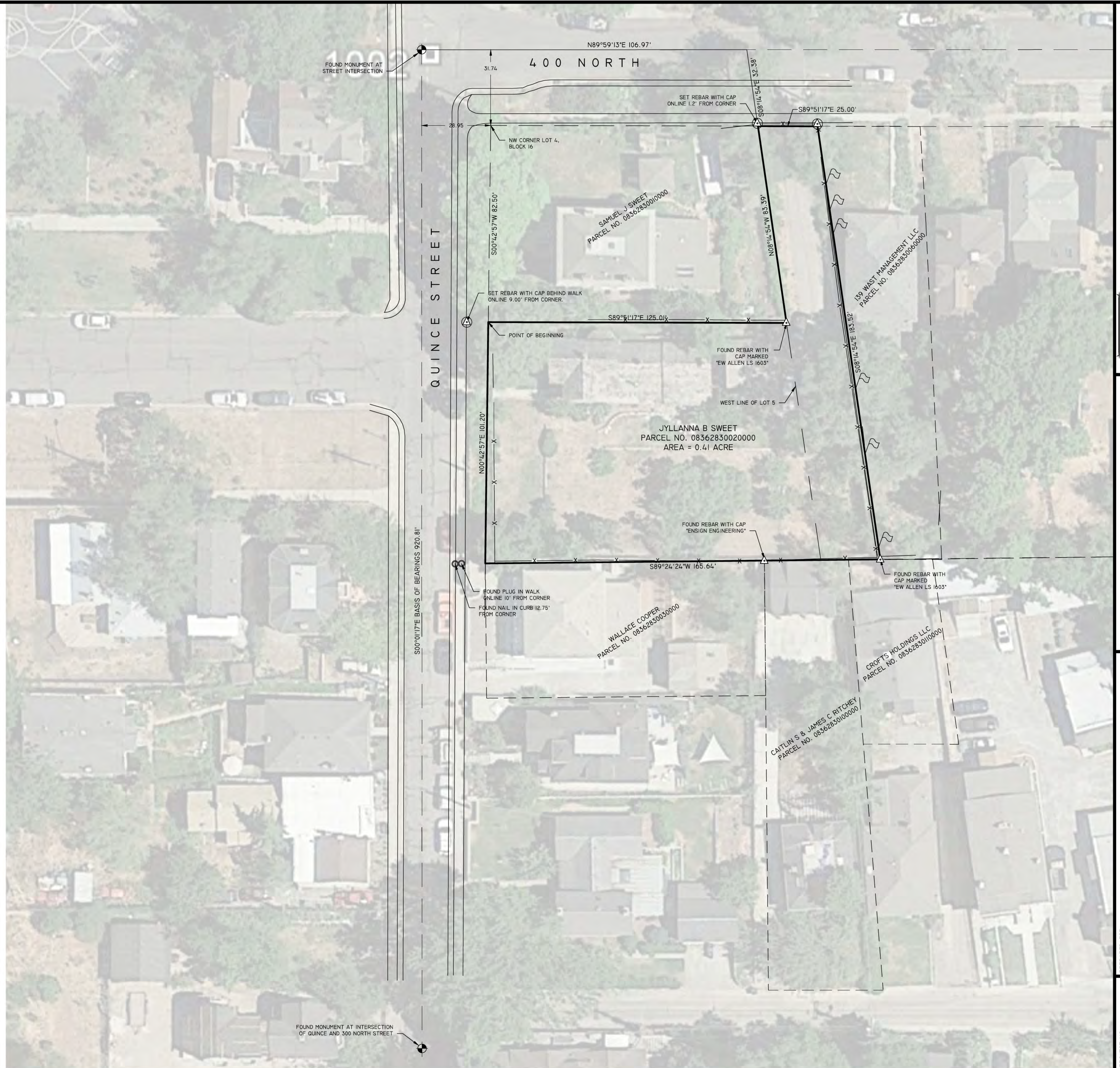
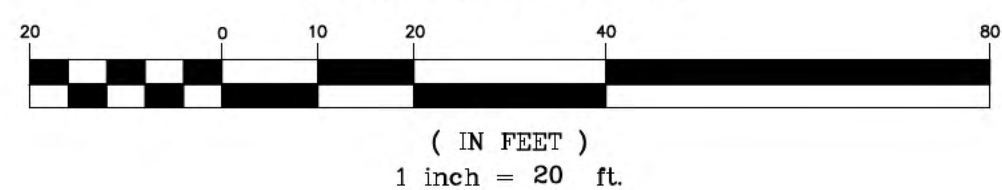
BASIS OF BEARINGS

BASIS OF BEARINGS: S00°01'17"E MEASURED BETWEEN FOUND STREET MONUMENTS AS SHOWN HEREON.

VICINITY MAP



GRAPHIC SCALE



ELEMENT
LAND SURVEYING
WWW.ELEMENTSURVEYING.COM 2296 SOUTH 270 EAST, HEBER CITY, UT 84032
(801) 592-5975

BOUNDARY SURVEY
SALT LAKE COUNTY
IN THE NE1/4 OF SEC 36, T1N, R1W, SLB&M

PREPARED FOR:
JYLL SWEET

PROJECT:
QUINCE STREET BOUNDARY SLC

PROJECT NO:
17-01-002

SHEET:
1 OF 1

ATTACHMENT C: Property Photographs



Existing Front Yard Picket Fence at 378 N Quince Street



Intersection of Front Yard Picket Fence & Interior Side Yard Wood Fence at Southwest Corner of Lot



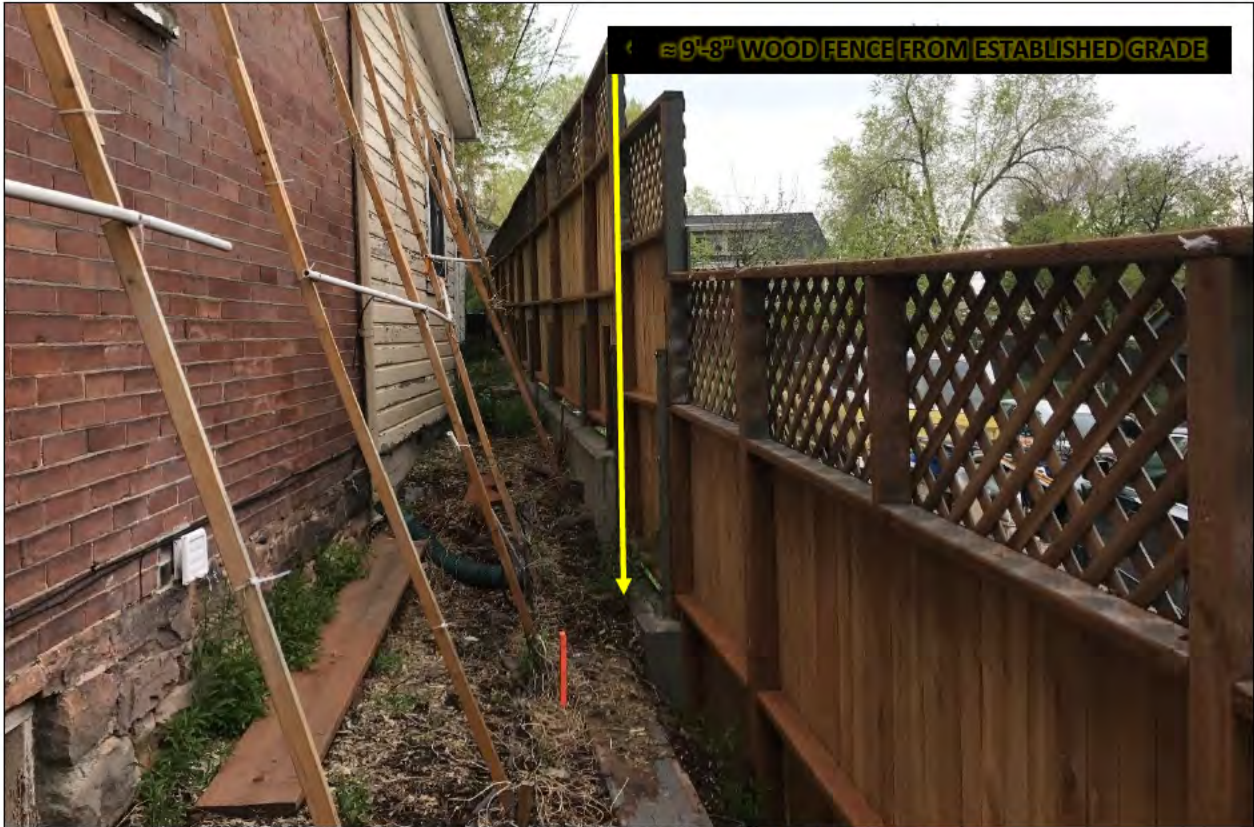
Intersection of Interior Side Yard & Rear Yard Fence Line at Southeast Corner of Lot



Intersection of Rear Yard Fence & Side Yard Fence at Southeast Corner of Lot



Northward View of Finished Fence in Rear Yard of Subject Property



Southward View of Unfinished Fence in Side Yard of Adjacent Lot



Southward View of Wood Fence & Gate on 400 North Street



Detailed View of Wood Fence & Gate on 400 North Street

ATTACHMENT D: Historic District Map



CAPITOL HILL

Historic District Map

★ Approximate Project Location

ATTACHMENT E: Public Comment

Maloy, Michael

From: Polly Hart [REDACTED]
Sent: Friday, November 18, 2016 10:24 AM
To: Maloy, Michael
Subject: PLNPCM2016-00717

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Michael-

I am writing to you with regard to Jyll Sweet's six foot privacy fence at the "rear/side" of her property. I recognize that this is a difficult situation, since it is a corner lot. While I do appreciate her desire for privacy, I would:

1. Prefer to see a five foot fence and gate facing the street.
2. Prefer some transparency in the part of the fence and gate that face the street.

I believe both of my preferences are remedied by following the code or close to it (I assume it is considered a side yard fence?). Thank you for your consideration.

Polly Hart
355 N Quince St
SLC, UT 84103

"I don't make trouble. I'm just really good at finding it." Zephyr

Friday November 18, 2016

139 W. Management L.L.C.
1309 E. South Temple St.
Salt Lake City, Utah 84102

Salt Lake City Corporation
Planning Division, 451 South State St., Room 406
P.O. Box 145480
Salt Lake City, Utah 84114-5480
(Attn: Michael Maloy AICP, Senior Planner)

RE: Petition # PLNPCM2016-00717 AND/OR # PLNPCM2016-00492
(Request for Special Exception - 378 Quince St.)

Dear Mr. Maloy,

Please see the attached copy of an email sent to you earlier today. I was uncertain if it or my subsequent phone-mail message had made their way to you and want to make sure you receive my communication prior to the November 21, 2016 Planning Division approval date indicated on the Notice of Application for the above referenced property.

Regards,

Robert A. White, Jr., Manager

Attachment included

Hand Delivered 11/18/2016



PLNPCM216-00717 and/or PLNPCM2016-00492 (379 Quince St.)

Robert White [REDACTED]
To: michael.maloy@slcgov.com
Cc: Lee White [REDACTED]

Fri, Nov 18, 2016 at 8:52 AM

Michael Maloy,

I received a Notice of Application notifying me of a request for a special exception to allow a wood fence greater than 6'-0" at the 379 Quince Street. I was out of town between 11/10/2016 and 11/17/2016 and did not have an opportunity to review the Notice until the afternoon 11/17/2016. The Notice references two Petition Numbers. A search of the first Petition Number (PLNPCM2016-00717) at <https://aca.slcgov.com/citizen> yields a "no results" message. A search of the second (PLNPCM2016-00492) yields information on an applicant by the name of David Winter for a project at 1745 E. Yalecrest that I do not believe is relevant. Attempts to search by address also yielded "no results" messages. Due to lack time to review the application details, not being able to gain access to the Application details as outlined in the notice as well as confusion resulting from the two Petition Numbers I respectfully request:

1. The Planning Division delay approval until I have had sufficient review time and access to the Application details to formulate an opinion.
2. A brief review meeting with Michael Maloy or other appropriate staff member familiar with the Application to answer any questions.

I'm hopeful that upon review of the Application details and having any questions i may have answered by Staff I will be able to support the Staffs recommendations. If my request for delay of Planning Approval to allow for review is denied please accept this letter as as an Objection to the Request for Special Exception that include but may not be limited to the following:

1. The photos provided as part of the Notice of Application are not representative of the Fence under consideration.
2. Inadequate time being allowed for review of the details of the Application..
3. Inaccurate and contradictory petition numbers being provided on the Notice of Application.
4. Inability to access Application details on line as indicated in the Notice of Application.
5. None of the circumstances outlined in 21A.40 as circumstances under which additional height may be granted have been met.
6. Significant line of sight safety issues at the drive exit.
7. Loss of view by neighboring properties.
8. Maximum height of fence equals or exceeds 12'-0".
9. inappropriate finishes on the neighbors side of the fence not in keeping with the historical nature of the community..
10. Height and scale of the proposed fence is not in keeping with the historical nature of the community.
11. Concerns over how the outside of the fence as well as the property between the fence and the property line are to be maintained do not appear to have been addressed.
12. Concern that structural issues including potentially high wind loads on the 6' to 12' portions of the already constructed portions of fence have not been addressed.
13. The uncomfortable looming effect of a 10' + fence height on the neighbor side.
14. Potential safety issues if the need should arise to exit the adjacent residential properties.

I respectfully await your reply.

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Regards,













ATTACHMENT F: Analysis of Standards

The following standards apply to all types of special exceptions:

| Standard | Finding | Rationale |
|--|--------------------------------------|--|
| <p>A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.</p> | Complies—if approved with conditions | The intent of the Zoning Title, with respect to walls and fences, is to accommodate privacy and security concerns while limiting impacts on adjacent properties. Fences often delineate the location of private property and separation from public property. Whereas the existing over height fence does not comply with the specific regulations and limitations of the Zoning Title, the proposal does not meet this standard. However, if the rear yard fence were reduced to a maximum height of 8'-0", and the gate made compliant with applicable codes, the proposal would meet this standard. |
| <p>B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.</p> | Complies—if approved with conditions | The over height fence, which will increase shadows and create a “walled-in” environment on neighboring properties, may have an undesirable impact on—or impair—abutting properties. However, if the fence were amended as proposed, staff finds it would meet this standard. |
| <p>C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.</p> | Complies—if approved with conditions | The fence blocks the view of vehicles exiting the driveway, which impacts public safety. It is also unknown if the fence was properly designed and constructed to withstand wind loads. However, if the fence were amended as proposed, staff finds it would meet this standard. |
| <p>D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.</p> | Complies—if approved with conditions | Based on observation, staff does not find the fence to be compatible with the development of neighboring properties in accordance with the applicable district regulations. However, if the fence were amended as proposed, staff finds it would meet this standard. |
| <p>E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.</p> | Complies | Although the over height fence will increase shadows, staff did not observe that it destroys or damages natural, scenic or historic features of significant importance. |
| <p>F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.</p> | Complies | Staff finds that further modification or maintenance of the fence will not cause material pollution of air, water or soil, or cause an unacceptable level of noise. |
| <p>G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.</p> | Complies—if approved with conditions | Does not meet standards set forth in City Code 21A.52.030.03 regarding additional fence height, and poses a safety hazard. However, if the fence were amended as proposed, staff finds it would meet this standard. |

21A.52.030.A.3. Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of (the Zoning) title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:

| Standard | Finding | Rationale |
|---|-----------------|---|
| a. Exceeding the allowable height limits, provided, that the fence, wall, or structure is constructed of wrought iron, tubular steel, or other similar material, and that it is open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least 80 percent (80%) of its total area | Does not comply | The design of the additional fence height is not 80% open. |
| b. Exceeding the allowable height limits on any corner lot; unless the city’s traffic engineer determines that permitting the additional height would cause unsafe traffic condition | Complies | While the subject property does have frontage on two adjoining streets, technically it is not a “corner lot.” |
| c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits | Does not comply | The fence incorporates a decorative wood lattice, however other portions of the fence that exceed the allowable height limit are constructed of solid wood boards, which does not comply with this standard. |
| d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations | Not applicable | The fence surrounds a residential lot, not a school or recreational area. |
| e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light, or other encroachments on the rights to privacy, safety, security, and aesthetics | Does not comply | According to the applicant, the fence was constructed to reduce encroachments on privacy, safety, and security, however all abutting properties contain residential land uses with similar impacts. |
| f. Keeping within the character of the neighborhood and urban design of the city | Does not comply | Although the presence of grade changes along property lines is common within the immediate neighborhood—which frequently creates the appearance of over height fences within the neighborhood—the tallest “fence” on the block is an ivy covered stone wall on Apricot Avenue that measures approximately 8'-0" tall. |
| g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property | Complies | The fence is not within a front yard. |
| h. Posing a safety hazard when there is a driveway on the petitioner’s property or neighbor’s property adjacent to the proposed fence, wall, or similar structure | Does not comply | The fence blocks the view of vehicles exiting the property onto 400 North Street, which poses a safety hazard. |

The following general standards apply to alterations within a local historic district:

| Standard | Finding | Rationale |
|--|--------------------------------------|--|
| 1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment | Complies | Fence does not change the historic purpose of the property, or characteristics of the building, and has minimal impact on the its site |
| 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided | Complies | The existing over height fence replaced a shorter wood fence, however there is no indication that the prior fence was original to the site or a character defining feature |
| 3. All sites, structures, and objects shall be recognized as products of their own time. Alteration that have no historical basis and which seek to create a false sense of history or architecture are not allowed | Complies | While the materials and design of the fence are generally compatible with both historic and contemporary construction, it does not create a false sense of history |
| 4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved | Complies | No alterations or additions that have gained historic significance have been or will be removed |
| 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved | Complies | With regard to the fence, staff is not aware of any distinctive features, finishes, or construction techniques associated with the prior fence |
| 6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects | Complies | Applicant claims the prior fence was in need of repair, and—except for fence height—the replacement fence is compatible with other architectural elements of the site |
| 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible | Complies | Other than potentially staining or sealing the fence, the applicant does not intend to apply any chemical or physical treatments to the fence |
| 8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment | Complies—if approved with conditions | Other than the height, fence composition is compatible with material and character of the property, neighborhood, and environment. |

| | | |
|--|-----------------|---|
| <p>9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment</p> | <p>Complies</p> | <p>The fence could be removed from the site in a manner that would protect the essential form and integrity of the site</p> |
| <p>10. Certain building materials are prohibited including the following: Aluminum, asbestos, or vinyl cladding when applied directly to an original or historic material</p> | <p>Complies</p> | <p>The fence is made of wood, which is an appropriate material for the local historic district</p> |
| <p>11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in chapter 21A.46 of this title</p> | <p>Complies</p> | <p>Not applicable</p> |