Agenda Item: Zoning Petition 2021-738, Meadows at Matthews Change in Zoning Conditions to use the flexible design standards available in the R-VS zoning district to allow for a six-foot-tall fence in the front yard setback.

TO: Matthews Board of Commissioners  
DATE: October 5, 2021  
FROM: Robert Will, Senior Planner

Background/Issue
- The applicant requests to use the flexible design standards available in the R-VS zoning district to allow for a six-foot-tall fence in the front yard setback.
- Notice of Violation issued for 105, 109 and 133 Matthews Township Parkway for having a six-foot fence in the front yard setback (fences are permitted in the front yard but only up to 4 feet).
- The three owners applied for variances for each lot to allow for a six-foot fence in the front yard setback. At their meeting on December 3, 2020 the Board of Adjustment denied variances for each lot.
- The three owners were informed that another possible solution was to pursue a text amendment, and subsequently worked with staff to bring forward a narrowly crafted amendment that would impact around 30 properties along Matthews Township Parkway.
- At the public hearing for the text amendment, The Board brought up the possibility of applying the flexible design standards available in the R-VS zoning district in order to tailor the request for a six-foot fence in the front yard setback to these seven properties.
- Upon investigation of the UDO, staff determined that fences and walls are specifically permitted to be adjusted per the flexible design standards, and the correct procedure would be a zoning change of conditions.
- Applicants submitted the paperwork for a change in zoning conditions to allow a six-foot fence in the front yard setback for the seven lots in the Meadows at Matthews.

Proposal/Solution:
No changes have been proposed since the public hearing, however at the Planning Board meeting it was brought up that the fences should be consistent and not have a variety of styles.

Recommended Motion/Action
Approve zoning Application 2020-738 to use the flexible design standards available in the R-VS zoning district to allow for a six-foot-tall fence in the front yard setback.
DRAFT – FOR APPROVAL

STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES

Board of Commissioners Decision on Zoning-Related Issues

ZONING APPLICATION # ________2020-738______________________
ZONING MOTION # __________________________________________
ADMINISTRATIVE AMENDMENT _______________________________

The Board of Commissioners adopts the checked statement below:

A) _____ The requested zoning action, as most currently amended, is recommended for approval, and has been found to be CONSISTENT with the Matthews Land Use Plan (or other document(s)), as follows:

CONSISTENT: The change in zoning conditions is consistent with the Land Use Plan because it will allow an increase in privacy and safety for a limited number of residents with front yards along the Highway 51 four-lane corridor.

REASONABLE: The change in zoning conditions is reasonable in that it provides an option for a limited number of property owners along a busy, four-lane thoroughfare for a six-foot fence in the front yard setback.

OR

B) _____ The requested zoning action, as most currently amended, is not approved, and has been found to be INCONSISTENT with the Matthews Land Use Plan (or other document(s)), as follows:

INCONSISTENT: The change in zoning conditions is inconsistent with the Land Use Plan because it selectively gives the right to have a six-foot fence in the front yard setback on certain properties and not others.

NOT REASONABLE: The change in zoning conditions is not reasonable because it only applies to one subdivision along a busy four-lane thoroughfare.

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being “consistent” or “not consistent” are not subject to judicial review.)

Date: October 11, 2021