

Planning Commission Staff Report

August 11, 2016

Item 4

Applicant: Jason &
Denise Eatough

Location: 386 North 1100
West

Prepared by: Brian
Tucker

Public Hearing Item: No

Zone: RA-1

ATTACHMENTS

1. Application Materials
2. Site Plan/Pictures
3. Applicable Law

REQUEST

Consideration of a request for a sport court fence in excess of 6' in height at 386 North 1100 West.

BACKGROUND

The applicants have recently completed a sport court in their rear yard measuring 40' X 70' and they wish to build a fence in excess of the 6' maximum. Section 18.84.130 of Mapleton City Code regulates fences and other tangible view obscuring barriers within the City. This section generally prohibits rear yard fences from exceeding 6' in height but does contain an exception for "other fences including tennis court backstops or patio enclosures as approved by the planning commission." Sport courts and other outdoor athletic courts with a need to contain balls and other sports equipment often include fences in excess of 6' in height and a number of courts with taller enclosures exist within Mapleton City.

APPLICABLE LAW

Staff has included all relevant municipal code sections for commission reference in attachment #3 of this staff report.

ANALYSIS

Mapleton City Code, Section 18.84.130.J. includes a specific, legal exception to the 6' maximum fence height for tennis courts and patio enclosures. Because in this case there is an authorized exception to the fencing height standard included within city code, an exception can be granted. A sport court is, by any practical analysis, the functional equivalent of a "tennis court" in that it has a playing surface and the need for an enclosure to keep the balls and other equipment contained.

STAFF RECOMMENDATION

Approve an exception, in accordance with Mapleton City Code, Section 18.84.130.J, for a fence in excess of 6' in height but not to exceed 10' in height to enclose the sport court at 386 North 1100 West.

Mapleton City Corp
125 West Community Center Way
Mapleton, UT 84664

APPLICATION

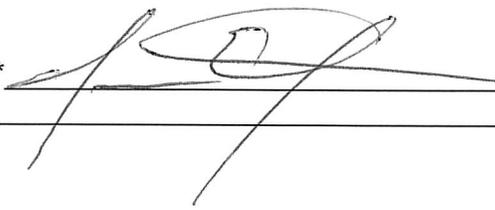
MAPLETON CITY COMMUNITY DEVELOPMENT DEPARTMENT

125 West Community Center Way, Mapleton, Utah 84664

APPLICANT READ CAREFULLY: Each approval process has a checklist which specifies what information is required in order for your Application to be completed and ready for processing. Before completing the application, please review the checklist; submit all the information it requests with your Application. Your application will be taken at the front desk, but will not be considered "accepted" by Mapleton City until it has been reviewed for compliance by the Community Development Department Application Review Committee. **INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED BY THE APPLICATION REVIEW COMMITTEE.** If you need help or have questions please ask to speak to a member of the Community Development Department Staff. We will not guarantee that your application is considered complete at the counter. The Application Review Committee meets once a week to determine submittal compliance. Please leave no line below unmarked. Please mark N/A in lines not applicable to your request. The asterisk (*) indicates that the information is required.

Type Project (Subdivision, Rezone, TDR, Variance, etc.)* 10 ft fence/Sports Ct
Name of Project* Sports Court No. Lots/Units 1
Property Address* 386 North 1100 West Approx. Acreage: 1
Utah County Tax Identification Number* _____
Present Use of Property* Residence
Name of Applicant/Agent* Jason & Denise Eatough
Applicant/Agent's Address (Street)* 386 North 1100 West
(City, State)* Mapleton (Zip)* 84664 e-mail address jdeatough@yahoo.com
Phone #* (801) 494-2130 Cell Phone # (408) 666-2771 Fax _____
Name of Property Owner (if different)* _____
Property Owner's Address (Street) _____
(City, State) _____ (Zip) _____ e-mail address _____
Phone #'s* _____ Fax _____
Architect/Engineer/Surveyor _____ Phone (W) _____

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of this request, and that the statements, answers, and documents submitted in connection with this application are true and correct. Furthermore, I understand that my application is not considered a complete submittal until such time that it has been reviewed by the Community Development Department Application Review Committee.

Signature(s) of Owner or Agent*  Date 31 July 16
Comments _____

E

150 ft

18"

40 ft

18"

70 ft

400 North

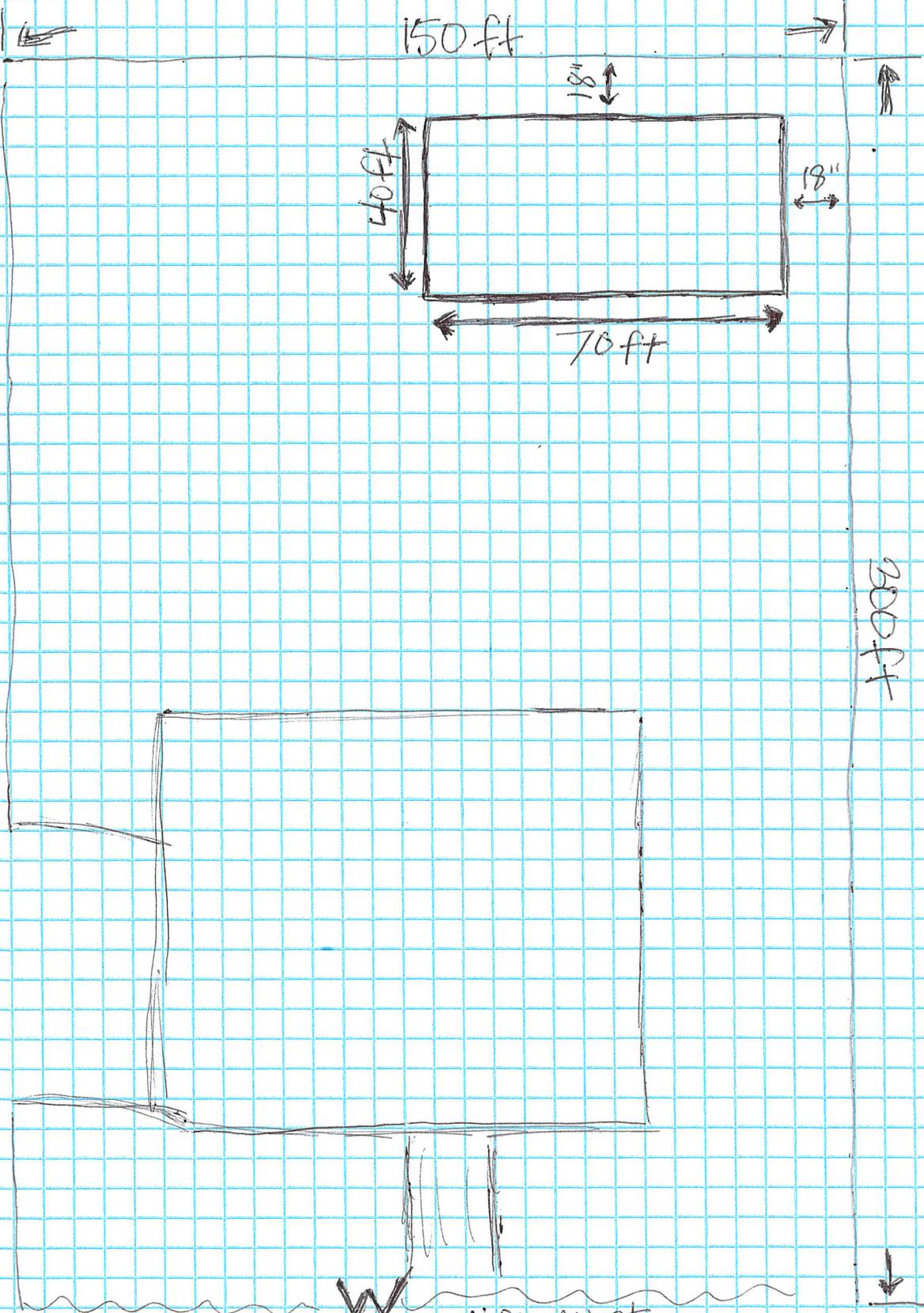
N

300 ft

S

1100 West

W





08/08/2016

ATTACHMENT #3 - APPLICABLE LAW

18.84.130: FENCING STANDARDS:

The term "fence" shall include any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the city engineer.

A. Front Yard/Side Yard: A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least 50 percent open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side yard perimeter is measured from the front property line to the front edge of the existing home. The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section shall not exceed a maximum of ten feet (10').

B. Rear Yard: A fence in a rear yard may be built to a maximum of six feet (6'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.

C. Corner Lots: A fence not more than six feet (6') high may be constructed in the rear yard as defined in subsection B, "Rear Yard", of this section adjacent to a public street on a corner lot, if it does not obstruct clear view of intersecting streets as defined in subsection D, "Clear Sight Triangle", of this section.

D. Clear Sight Triangle: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of fifteen feet (15') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of thirty feet (30') from the intersection along the property lines.

E. Larger Clear Sight Triangle: Larger clear vision triangles may be required where local streets enter arterial streets, major collector streets, or parkways, except that "clear vision triangles" need not be maintained at signed or signalized intersections in the community center. "Clear vision triangles" may also be waived at signed or signalized intersections in neighborhood centers.

F. Grade Differences: Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

G. Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

H. Double Frontage Lots: A fence or wall may be erected in the rear yard of a double frontage lot.

I. Fire Hydrants And Mailboxes: Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences. Location of the fire hydrant shall be in accordance with the uniform fire code.

J. Exceptions: The provisions of this section shall not apply to certain other fences including tennis court backstops or patio enclosures as approved by the planning commission, if it is determined that the fences do not create a hazard or violation of other sections of the city ordinances. (Ord. 2009-08, 7-15-2009, eff. 9-18-2009)