MEMO

Miscellaneous

To: Planning & Zoning
From: Clyde Han, City Inspector
Date: Thursday, May 17, 2012
Reference: Fencing

Planning and Zoning allow me to make “Judgment” calls or use “common sense” on certain issues; For example you allow me to allow new homes in older neighborhoods to carry reduced setbacks on challenged lots.

One “Judgment” call I made on Thursday, May 17, 2012, was to allow a portion of a “Non-Conforming” fence, removed without the owner’s permission, to be replaced.

The fence is a “Woven Wire” cattle fence around a 4.4 acre pasture (no live stalk).
Sections of the fence had been removed by the neighbors and the neighbors are mowing and placing lawn sheds over the property lines by 8-10 feet.
The owner of the pasture is afraid he would lose property by condemnation if the practice continued.
He had made repeated contact with the neighboring property owners asking them to remove the sheds and yard ornaments, with no luck.

The owner of the pasture will have the property surveyed by Midland surveying to verify property lines.

I believe the property owner is allowed to maintain and repair the existing fence with like material (Article 33 Fencing. 2. E. “Only one type of fencing material may be used for each fence line”).

Using the guidelines for “Article 25” “Non-Conforming Uses” of our “Zoning Code” used for buildings and land use; the owner is not allowed to erect fence beyond the original fence line.

I will attempt to advise the Commissioners when I make “Judgment” calls and the reasoning behind the calls.

I know not everyone will share the same judgment and that “common sense” is not that common.

If the Commission sees a line being crossed, Please let me know.

The more tolerance I am allowed, the better the customer service I can offer.

Thank You.