

STAFF REPORT (REVISED 8-18-26)

MADISON COUNTY BOARD OF ZONING APPEALS

July 28, 2026

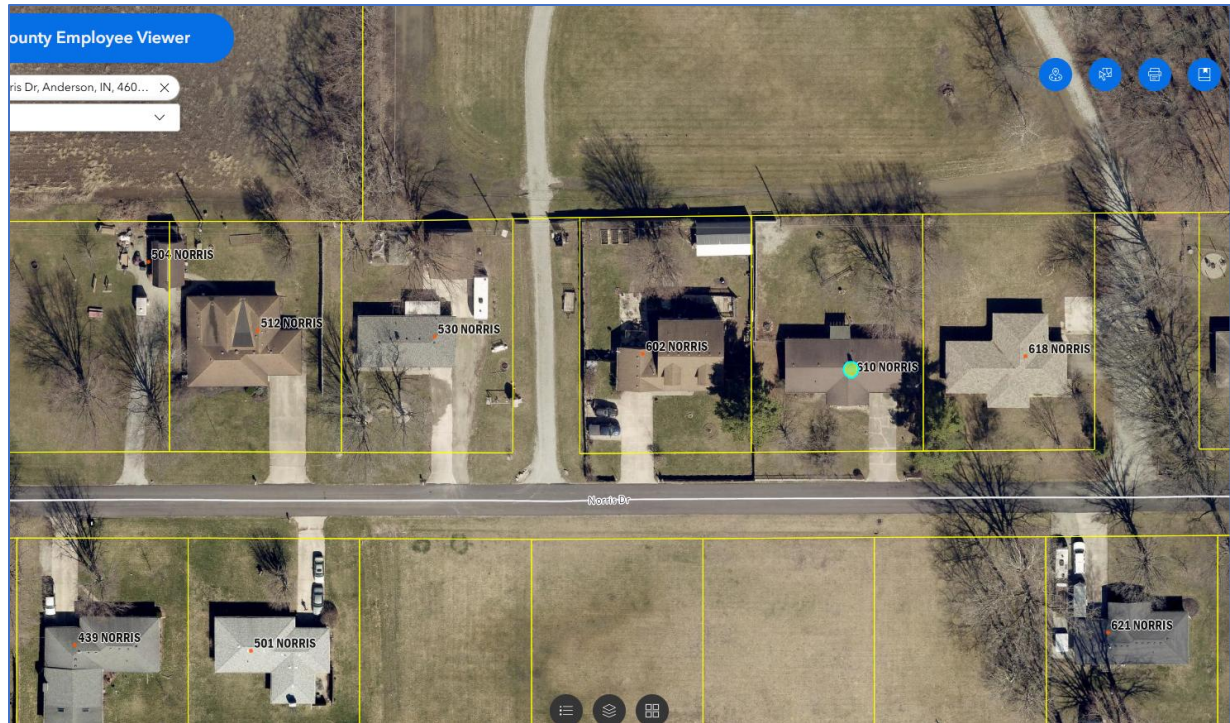
Petition Number: 2026-V-020
Location: 610 Norris Drive
Petitioner: Patricia Johnson
Property Owner: Patricia Johnson
Zoning District: Conservation Residential (CR)
Request: Variance from fence requirements
History: Complaint was filed for fence in the right-of-way

This petition was continued from the July meeting. The petitioner has no additional information to share.

STATEMENT OF INTENT

I WANT TO KEEP THE FENCE WHERE IT IS
ON MY PROPERTY.

Patricia Johnson



Site



Site Plan



Zoning

ZONING REQUIREMENTS

Fence & Wall Standards (FW)

6.25 Fence & Wall Standards (FW)

FW-01: This Fence & Wall Standards section applies to the following districts:



- A. Fences and walls shall be permitted in all zoning districts without a permit subject to conformance with the following requirements:
 - a. All fences and walls shall present the non-structural face outward.
 - b. All fences and walls may be permitted up to any property line that is not also a right-of-way line. All fences and walls shall be setback a minimum of 2 feet from all adjacent rights-of-way.
 - c. No fence or wall may be placed in any right-of-way or any required sight visibility triangle.
 - d. No fence or wall may be placed in any drainage, utility, sidewalk, landscaping, access or other easement without written permission from the easement holder.
 - e. No fence or wall may be placed in any required buffer zone that does not specifically provide for the inclusion of fences.

FW-03: This Fence & Wall Standards section applies to the following districts:



Fences and walls shall not exceed 8 feet in height in any side or rear yard and shall be prohibited in any front yard. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them.

STAFF FINDINGS

This petition is for a variance from the fence standards. Fences in the front yard are not allowed in the Conservation Residential (CR) district. The code also calls for the fence to be two feet from all adjacent ROW. A complaint was filed. The petitioner has stated that the fence has been there for many years and would like it to remain. Until this complaint was filed, staff is not aware of any other complaint for the property. No other property on the street appear to have a front fence. However, the picture below, from 2006, does show that the neighboring property to the west had a similar fence.



2006 – 610 Norris Drive

Another issue is whether the fence could be considered a Legal Nonconforming Use since it was in existence on July 15, 2002 (the date the current code was established). The prior code had the following provisions for fences, which include provisions for sight distance and safety. Staff determination is that because the fence is right on the road it would not be compliant with the intent of the prior code. Tthus it is not grandfathered.

G. SIGHT DISTANCES AT INTERSECTIONS.

1. No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between two and one half (2.5) and eight (8) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting point twenty five (25) feet from the intersection of said right-of-way lines (fifty (50) feet for arterial streets). In the case of a rounded property corner of more than twenty five (25) foot radius the sight distance at any intersection shall be determined by the Plan Director with the assistance of the County Highway Engineer for the purpose of providing adequate safety for traffic.
2. The same sight line limitations shall apply to any lot within ten (10) feet of the intersection of a street right-of-way line with the edge of any private driveway, pavement or alley line. The closest edge of any driveway shall be located not less than forty (40) feet from the intersection of two (2) street right-of-way lines.



H. FENCES, WALLS, AND HEDGES.

Notwithstanding other provisions of this Section, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard, provided that no fence or wall along the sides or front edge of any front yard shall be over six (6) feet in height.

RECOMMENDATION

Staff approves the variance request to allow the fence in the front yard with the condition it be moved two feet from the right-of-way line to be consistent with the ordinance. We recognize that this is a big project and, if the board has no issue, we have resources to help with the replacement/movement of the fence, if the petitioner agrees to that. Regardless, we would recommend the board allow the remainder of the year for the fence to be moved.

FINDINGS of FACT for VARIANCE

1. ***Will the approval be injurious to the public health, safety, morals, and general welfare of the community?*** No, if the fence is left on the street there should be no safety or other issues.
2. ***Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*** No.
3. ***Will the strict application of the terms of the zoning ordinance result in practical difficulty in the use of the property.*** No.

Site Photos



View from site looking north



View from site looking east



View from site looking south



View from site looking west