

**James Konish, Appellant**  
**LEGISLATIVE MATTER NO. 051009;**  
**March 27, 2006 City Commission Regular Agenda**

**IN RE: Appeal of a Certificate of Appropriateness for a Fence in the Southeast Historic District**

**ORDER**

The City Commission of the City of Gainesville held a de novo, quasi-judicial appeal hearing, at Appellant's request, on March 27, 2006, to consider the February 7, 2006, decision of the Historic Preservation Board, rendered on February 8, 2006, to approve a Certificate of Appropriateness with conditions. The decision of the Board requires the existing fence be lowered to 6 feet in height. The fence is located on property at 120 Southeast 7th Street, Gainesville, Florida. The appeal of the Historic Preservation Board is heard pursuant to Section 30-112(d)(7)i. of the Gainesville Code of Ordinances.

**STATEMENT OF THE APPEAL**

James Konish has appealed the decision of the Historic Preservation Board approval of a Certificate of Appropriateness with the condition that the height of the existing fence and be reduced to six feet, on the property located at 120 Southeast 7th Street, Gainesville, Florida, and that is within the Southeast Gainesville Historic District. The Appellant's grounds for the appeal are set forth in the "Notice of Appeal from Decision of Historic Preservation Board" served on February 22, 2006.

**FINDING**

After considering the record, evidence and testimony of staff, testimony of the appellant, and testimony of interested parties, and after being apprised of the relevant provisions of the City of Gainesville Code of Ordinances, the City Commission finds:

1. Fences in rear and side yards within the Southeast Gainesville Historic District are limited to six feet in height;
2. The current fence on the property of the Appellant, that is the subject matter of this appeal, was constructed without obtaining a Certificate of Appropriateness, as required by the

Code of Ordinances, and said fence is more than six feet in height. The height of the current fence visually obscures the architectural details of adjacent buildings within the Southeast Gainesville Historic District that is incompatible with the standards as set forth in the Gainesville Code of Ordinances, Land Development Code.

IT IS THEREFORE ORDERED that the February 7, 2006 decision of the Historic Preservation Board, rendered on February 8, 2006, is AFFIRMED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
Pegeen Hanrahan  
Mayor

Attest:

\_\_\_\_\_  
Clerk of the Commission

Copies furnished to:

Steve Turnage, Esquire, Attorney for Appellant  
James Konish, Appellant  
Russ Blackburn, City Manager  
Marion J. Radson, City Attorney