

APPLICATION NUMBER

5329

A REQUEST FOR

**FENCE HEIGHT VARIANCE TO ALLOW THE
CONSTRUCTION OF AN 8' WOODEN PRIVACY FENCE
APPROXIMATELY 84' ALONG GEORGE STREET (SIDE
STREET) PROPERTY LINE; A MAXIMUM FENCE
HEIGHT OF 3' IS ALLOWED WITHIN THE 15-FOOT
SIDE YARD SETBACK ALONG A SIDE STREET
(GEORGE STREET) WITHIN A HISTORIC DISTRICT**

LOCATED AT

1066 CHURCH STREET

(Northeast corner of Church Street and George Street)

APPLICANT/OWNER

L. LAWRENCE & ELVIRA VASQUEZ CARROLL

BOARD OF ZONING ADJUSTMENT

DECEMBER 2005

The applicant is requesting a Fence Height Variance to allow the construction of an 8' wooden privacy fence approximately 84' along the George Street (side street) property line; a maximum fence height of 3' is allowed within the 15-foot side yard setback along a side street (George Street) within a historic district.

The applicant proposes to build an 8' wooden privacy fence in order to provide security and privacy along the side street (George Street). The applicant states the 15-foot side yard setback along George Street prevents the enclosure of the majority of the side and rear yards, and that the existing residence is 15-feet from the street side yard (George Street).

While some of the concerns expressed by the applicant may be valid, there are other concerns that should also be taken into consideration. These additional concerns relate to traffic and safety. Traffic Engineering requires a "visibility triangle" and this requirements is also required in the Zoning Ordinance; this would be reduced with the construction of a solid wooden fence.

The Historic District Overlay (HDO) requires a fifteen-foot side yard setback on corner lots, in order to allow adequate visibility for on-coming traffic, for both the site in question as well as adjoining properties. In this particular case, the adjoining commercial lot has a driveway to George Street and the staff has concerns that visibility at the driveway could be compromised. Furthermore, the lot is 71-feet wide, which is 11-feet wider than the standard lot width (60-feet) upon which the minimum setback requirements are based.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

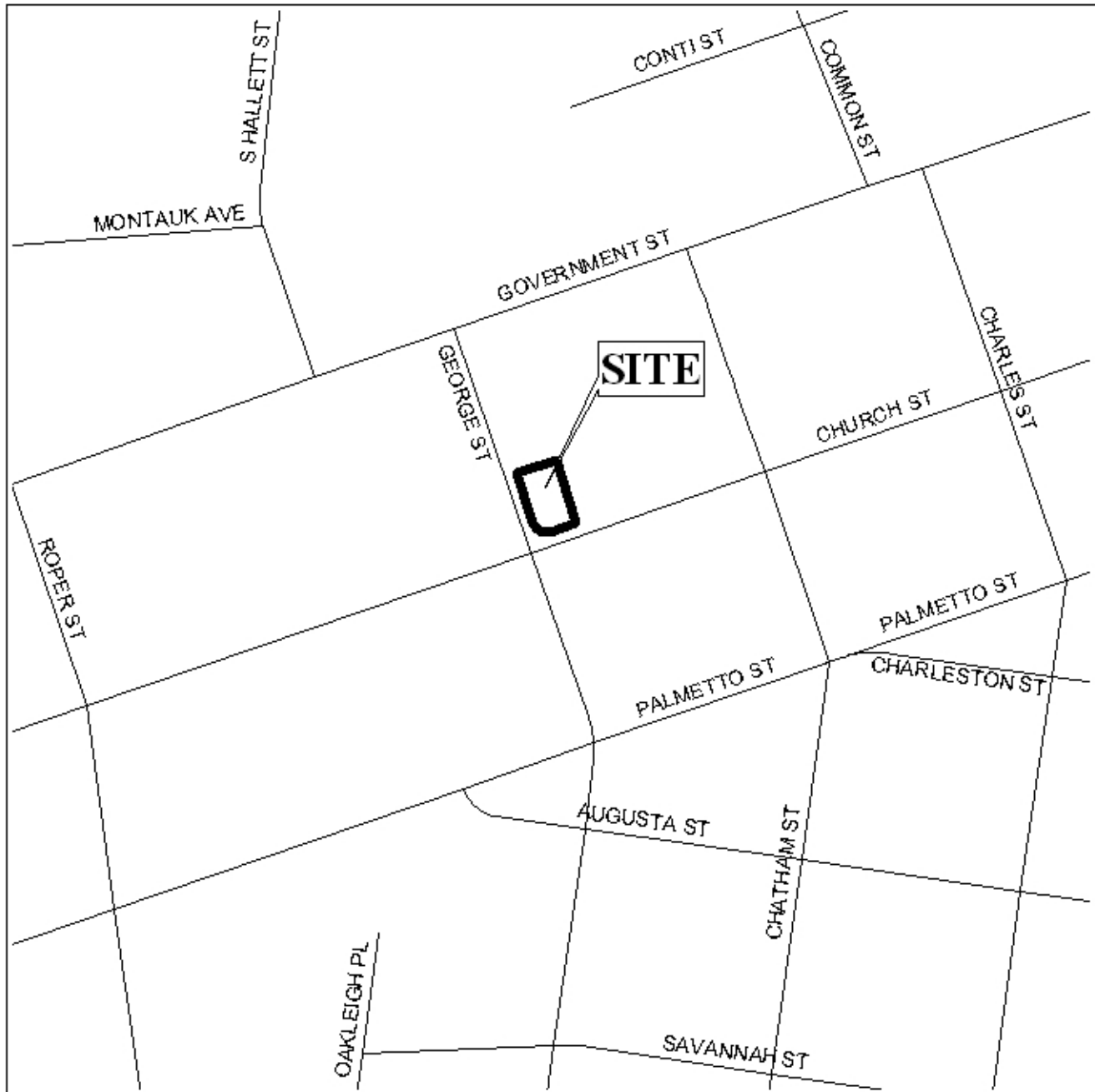
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed, and substantial justice done to the applicant and the surrounding neighborhood.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to have an eight-foot fence within the required setbacks.

RECOMMENDATION 5329**Date: December 5, 2005**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



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APPLICANT L. Lawrence & Elvira Vasquez Carroll

REQUEST Fence Height Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Located to the North of the site is a mini storage facility; to the East and South are single family residential dwellings. Located to the West of the site are multiple family residential dwellings.

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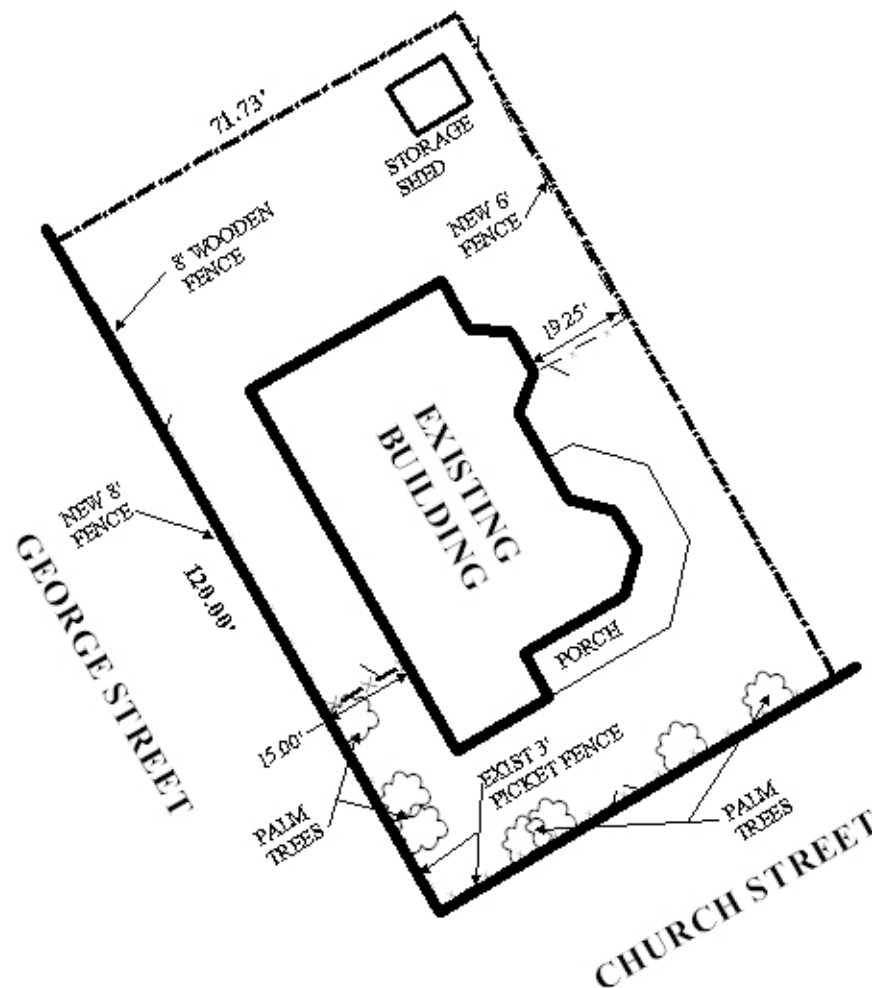
REQUEST Fence Height Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

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NTS

SITE PLAN



The site is located on the Northeast corner of Church Street and George Street. The plan illustrates the existing structures, along with the proposed fence.

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