

APPLICATION NUMBER

5624/2015

A REQUEST FOR

**FENCE AND WALL HEIGHT VARIANCE TO
ALLOW THE CONSTRUCTION OF A 6' HIGH
MASONRY WALL WITH COLUMNS ALONG THE
RIGHT-OF-WAY LINE OF CLAY STREET AND
BASIL STREET AND THE CONSTRUCTION OF A
6' HIGH WOODEN PRIVACY FENCE WITHIN THE
SETBACK FROM BASIL STREET IN AN R-2, TWO-
FAMILY RESIDENTIAL DISTRICT; THE ZONING
ORDINANCE REQUIRES THAT FENCES AND
WALLS WITHIN THE SETBACK ALONG RIGHTS-
OF-WAY TO BE NO HIGHER THAN 3'.**

LOCATED AT

1205 GLENNON AVENUE

(Southwest corner of Glennon Avenue and Clay Street, extending South to Northwest
corner of Basil Street and Clay Street)

APPLICANT / OWNER

DR. YVONNE KENNEDY

BOARD OF ZONING ADJUSTMENT

AUGUST 2010

The applicant is requesting a fence and wall height variance to allow the construction of a 6' high masonry wall with columns along the right-of-way line of Clay Street and Basil Street and the construction of a 6' high wooden privacy fence within the setback from Basil Street in an R-2, Two-Family Residential District; the Zoning Ordinance requires that fences and walls within the setback along rights-of-way to be no higher than 3'.

The applicant points out that the present and future use of the site in question is residential. It is argued that the owner wishes to construct a concrete block wall, approximately 6' high, along the right-of-way lines of Clay Street and Basil Street to help prevent trash from being disposed on the property. The applicant states that a 6' high wooden privacy fence would also be constructed along the West property line from the wall on Basil Street northwardly to the rear of her house. The applicant further states that a gate would be constructed on Basil Street for a new driveway onto the property that would only be used occasionally.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

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.

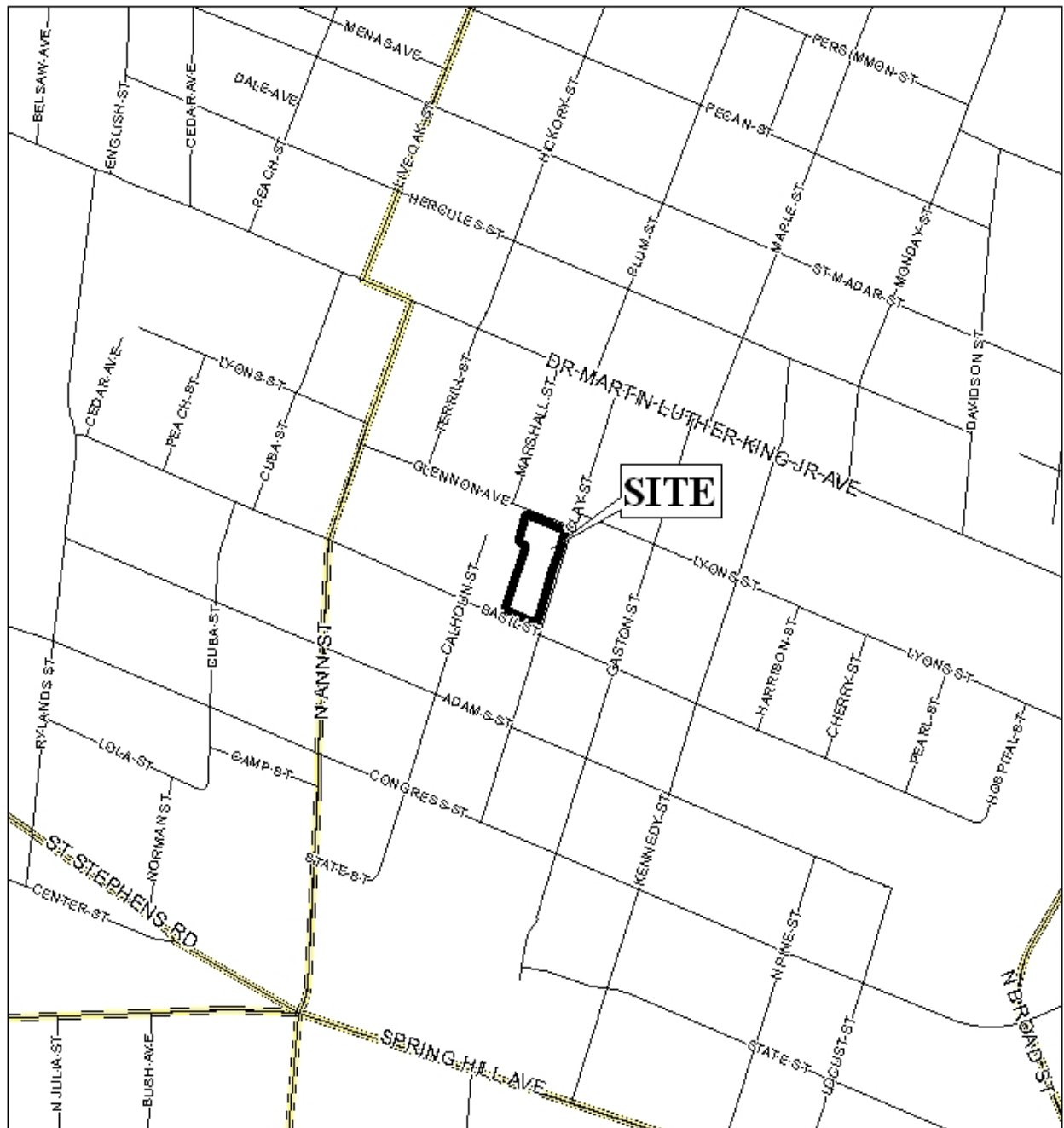
With regard to the applicant's proposal to construct a concrete block wall within the setback, the reason for the Zoning Ordinance requirement of no wall or fence exceeding 3' of height within the setback is to prevent anything from obstructing visibility for cars backing out of driveways and traveling through intersections. The site in question is a corner lot and approving this variance would most definitely create sight visibility issues on the corner of Basil and Clay Street. Thus, if the purpose of the wall is to prevent trash from being disposed on the property, then a 6' high chain link fence should be sufficient.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

RECOMMENDATION 5624/2015**Date: August 2, 2010**

Based on the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5624 / 2015 DATE August 2, 2010

APPLICANT Dr. Yvonne Kennedy

REQUEST Fence and Wall Height Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use. A financial office is located to the north of the site.

APPLICATION NUMBER 5624 / 2015 DATE August 2, 2010

APPLICANT Dr. Yvonne Kennedy

REQUEST Fence and Wall Height Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use. A financial office is located to the north of the site.

APPLICATION NUMBER 5624 / 2015 DATE August 2, 2010

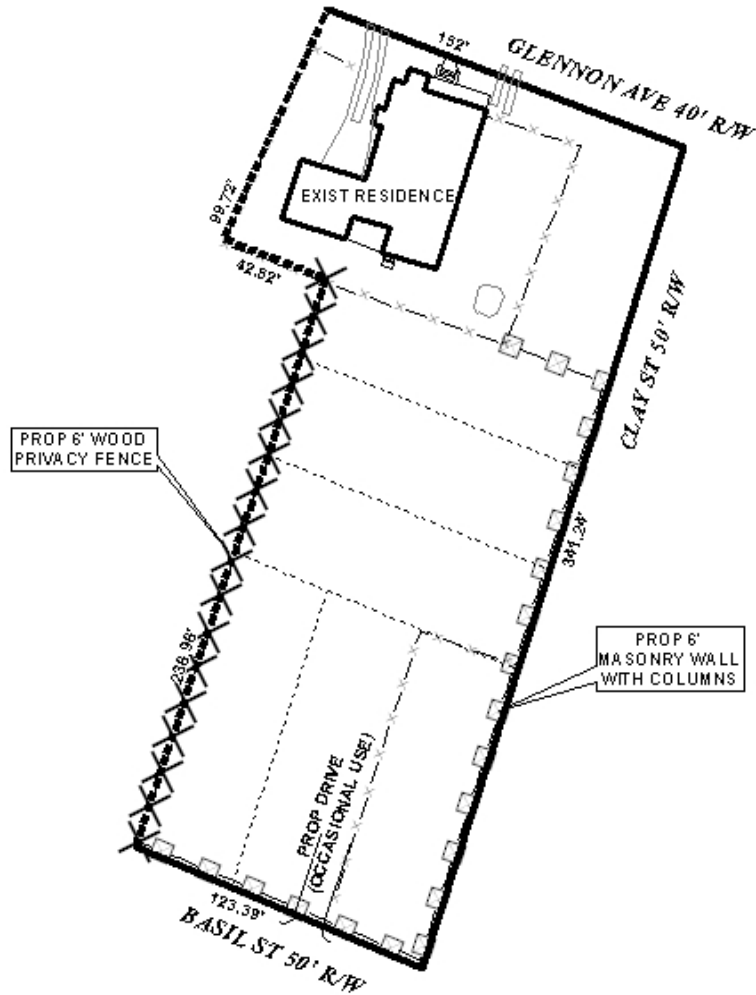
APPLICANT Dr. Yvonne Kennedy

REQUEST Fence and Wall Height Variance

LEGEND

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

SITE PLAN



The site plan illustrates the proposed wood fencing and masonry wall.

APPLICATION NUMBER 5624 / 2015 DATE August 2, 2010
 APPLICANT Dr. Yvonne Kennedy
 REQUEST Fence and Wall Height Variance

