

APPLICATION NUMBER

5201

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE TO ALLOW THE
CONSTRUCTION OF A 6' HIGH WOODEN FENCE ON A
SIDE STREET PROPERTY LINE (DOGWOOD LANE); A
20' SIDE STREET SETBACK IS REQUIRED FOR A WALL
OR FENCE HIGHER THAN 3-FEET ON A CORNER LOT,
WITH THE LOT TO THE REAR FRONTING THE SIDE
STREET IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT**

LOCATED AT

3458 LOYOLA LANE

(Northeast corner of Loyola Lane and Dogwood Lane)

APPLICANT/OWNER

CHARLES L. & ELIZABETH K. COLLINS

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2003

The applicant is requesting Side Yard Setback Variance to allow the construction of a 6' high wooden fence on the side street property line (Dogwood Lane); a 20' side street setback is required for a wall or fence higher than 3-feet on a corner lot, with the lot to the rear fronting the side street in an R-1, Single-Family Residential District.

The applicant states that the construction of a 6-foot high solid wooden fence approximately 15-feet from the westside of the existing dwelling, where the fence would be constructed along the west property line, along Dogwood Lane, an approximate length of 77-feet.

The Zoning Ordinance establishes setbacks along streets in order to maintain a consistent streetscape and to allow adequate visibility to enter and exit properties. The Ordinance allows fencing in the front yard setback no higher than 3-feet, this allows vehicular traffic the ability to physically view approaching vehicular and/or bicycles traffic; and pedestrians walking along the sidewalks.

Traffic Engineering conducted an on-site review and found that line-of-sight from this location would not obstruct a drivers' line-of-sight of any on-coming vehicles by the proposed fence. However, a vehicle existing this driveway onto Dogwood Lane would not see a pedestrian walking along Dogwood Lane because of the proposed height of the wooden fence. Moreover, the close proximity to Saint Paul's School has many students (kindergarten through high school) walking along this area, and the fence would pose a safety and line-of-sight problem. Based upon Traffic Engineering's review, the proposed privacy fence would pose a line-of-sight obstruction for this site.

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 fence is not designed to provide visibility for the driveway for this residence; furthermore, approval of this variance could jeopardize the safety of pedestrian traffic along Dogwood Lane.

RECOMMENDATION 5201**Date: September 8, 2003**

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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



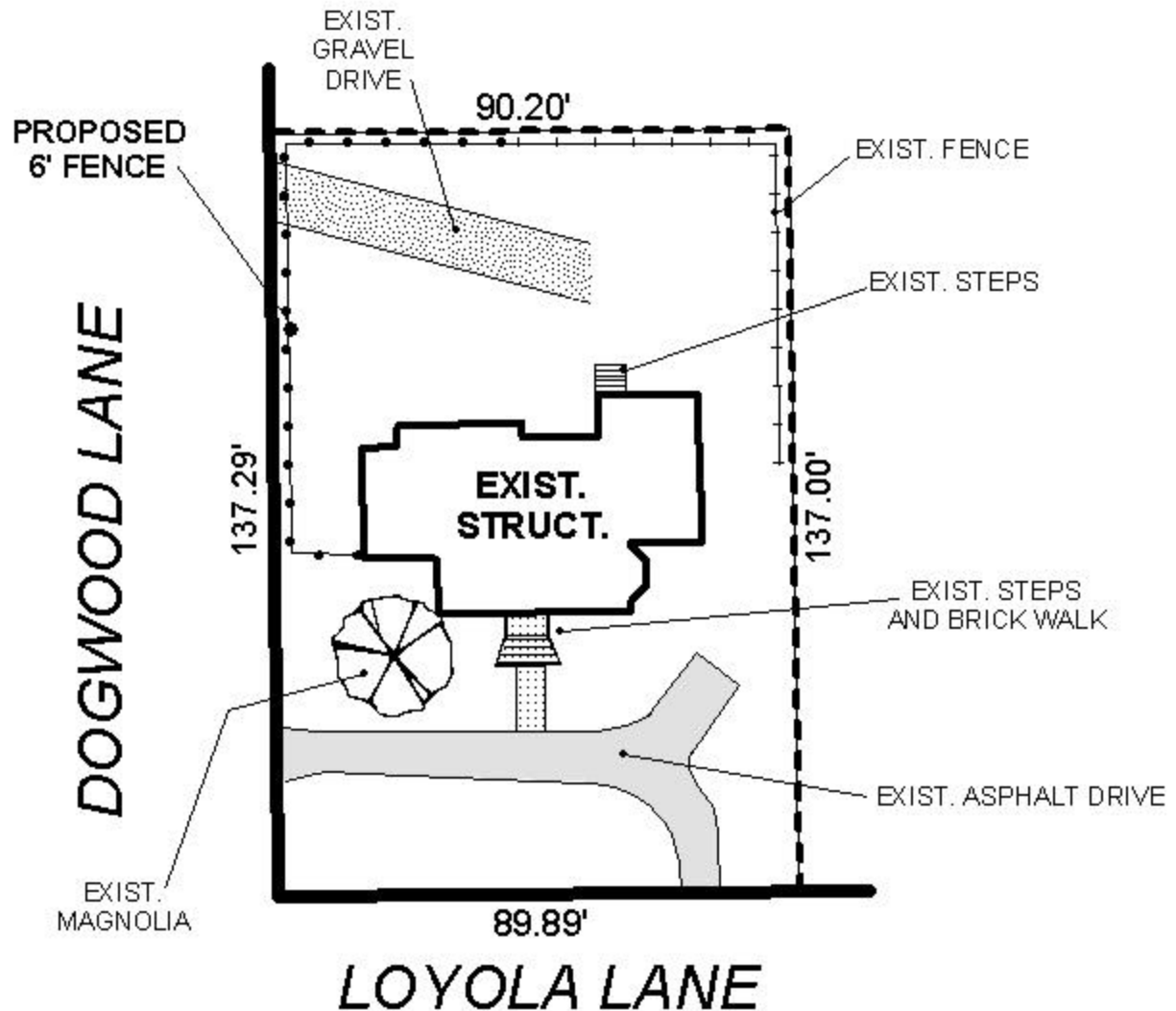
Single-family residential dwellings are located to the North, East and West of the site.
A school is located to the West and Southwest.

APPLICATION NUMBER 5201 DATE September 8, 2003
 APPLICANT Charles L. & Elizabeth K. Collins
 REQUEST Side Yard Setback Variance

LEGEND



SITE PLAN



The site is located at the Northeast corner of Loyola Lane and Dogwood Lane.
The plan illustrates the existing structure and the proposed fence.

APPLICATION NUMBER 6201 DATE September 8, 2003
APPLICANT Charles L. & Elizabeth K. Collins
REQUEST Side Yard Setback Variance

