

APPLICATION NUMBER

5154

A REQUEST FOR

**FENCE HEIGHT VARIANCE TO ALLOW THE
CONSTRUCTION OF A 7' HIGH WOODEN PRIVACY
FENCE 3' FROM A SIDE STREET PROPERTY LINE; A
19.3' SIDE YARD SETBACK IS REQUIRED FROM A SIDE
STREET PROPERTY LINE FOR A FENCE HIGHER THAN
3', ON A 58' WIDE LOT, IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT.**

LOCATED AT

261 RAPIER AVENUE

(Northeast corner of Selma Street and Rapier Avenue)

APPLICANT

JEFFERY COSGROVE

BOARD OF ZONING ADJUSTMENT

JANUARY 2003

The applicant is requesting a Fence Height Variance to allow the construction of a 7' high wooden privacy fence 3' from a side street property line; a 19.3' side yard setback is required from a side street property line for a fence higher than 3', on a 58' wide lot, in an R-1, Single-Family Residential District.

The applicant states that the proposed fence will be constructed in a manner aesthetically suited to the area and that there are numerous homes on corner lots in the vicinity that have fences close to the street.

The Zoning Ordinance establishes setbacks along streets in order to maintain a consistent streetscape and to allow adequate visibility to enter and exit properties. In the past, the Board has been sympathetic to the unique nature of historic areas and as illustrated on the site plan, the fence "notches in" at the driveway to provide visibility.

Traffic Engineering conducted an on-site review and found that line-of-sight from Rapier Avenue at Selma Street would not be obstructed by the proposed fence. There is an existing rock drive on the rear of this site, and the driveway for the adjacent residence to the East, is on the East side of the residence. Based upon Traffic Engineering's review, the proposed privacy fence should not pose a sight obstruction for this site or the adjacent property.

As the site is located in the Oakleigh Garden Historic District; therefore, any improvements will require Architectural Review Board approval.

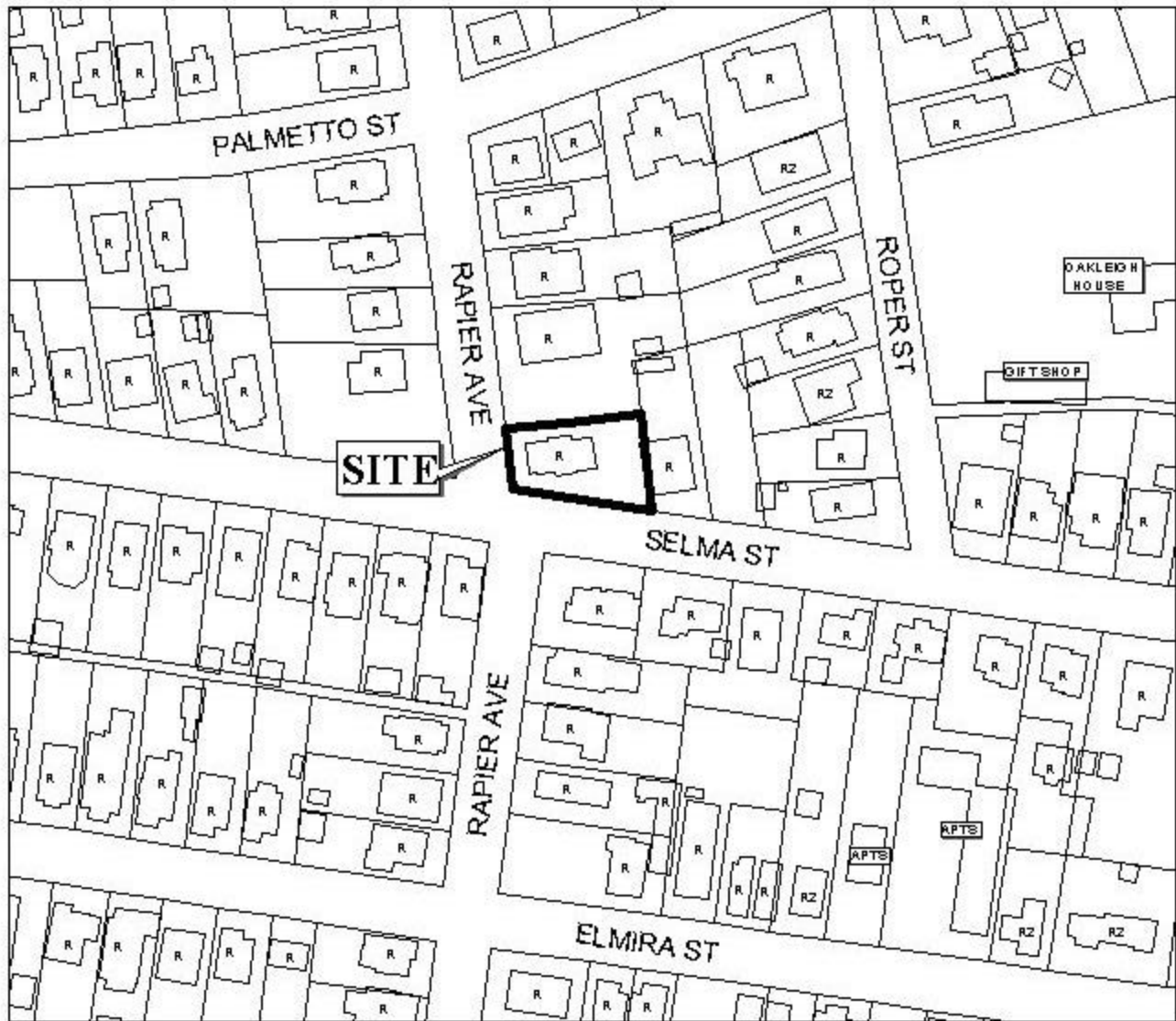
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 site is located within a historic district and is designed to provide visibility for both the driveway for this residence, and the adjacent residence. Furthermore, approval of this variance would conform with the Board's previous approvals for similar fence height variance requests.

RECOMMENDATION 5154**Date: January 6, 2003**

Based upon the preceding, this application is recommended for approval subject to the following condition: 1) the approval from the Architectural Review Board prior to the issuance of any permits; and 2) the fence location to be approved by the Traffic Engineering Department.

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

APPLICATION NUMBER 5154 DATE January 6, 2003
 APPLICANT Jeffrey Cosgrove
 REQUEST Fence Height Variance

LEGEND

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



NTS

RAPIER AVENUE

SELMA STREET

EXIST. STRUCTURE

PROP. FENCE

EXIST. LARGE TREE

EXIST. PORCH AND STEPS

EXIST. CONC. WALL

EXIST. ROCK DRIVE

EXIST. LARGE TREE

EXIST. PORCH

EXIST. CONC. WALL

EXIST. LARGE TREE

PROP. FENCE

PROP. FENCE

PROP. FENCE

53.52'

123.00'

87.00'

130.28'

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 USE/REQUEST Fence Height Variance

NTS