

APPLICATION NUMBER

**#5439**

A REQUEST FOR

**FENCE HEIGHT VARIANCE TO ALLOW THE  
CONSTRUCTION OF A 6' HIGH PRIVACY FENCE WITH  
BRICK COLUMNS SETBACK A MINIMUM OF 6' FROM  
THE WEST DRIVE PROPERTY LINE; A 25' FRONT YARD  
SETBACK IS REQUIRED IN AN R-3, MULTI-FAMILY  
RESIDENTIAL DISTRICT.**

LOCATED AT

**211 WEST DRIVE**

(East side of West Drive at the East terminus of Northwoods Court, extending to the  
West side of Center Drive)

APPLICANT

**RON & CO (RON TWILLEY)**

AGENT

**DON WILLIAMS**

OWNER

**RON TWILLEY**

**BOARD OF ZONING ADJUSTMENT**

October 2007

The applicant is requesting a Fence Height Variance to allow the construction of a 6' high privacy fence with brick columns setback a minimum of 6' from the West Drive property line. A 25' front yard setback is required in an R-3, Multi-Family Residential district.

The purpose of this application is actually to allow the fence to remain as it was recently constructed without any reviews, approvals, or permits. Other issues involved include: a 6' high brick neighborhood sign and metal gates constructed within the required setback, and a sidewalk constructed outside of the right-of-way. The applicant was co-developer of the single-family residential neighborhood (Ridgefield Commons) directly to the south of the site. The applicant states that the wooden privacy fence was connected to the existing fence of the said neighborhood and is considered a continuation of the previously constructed fence.

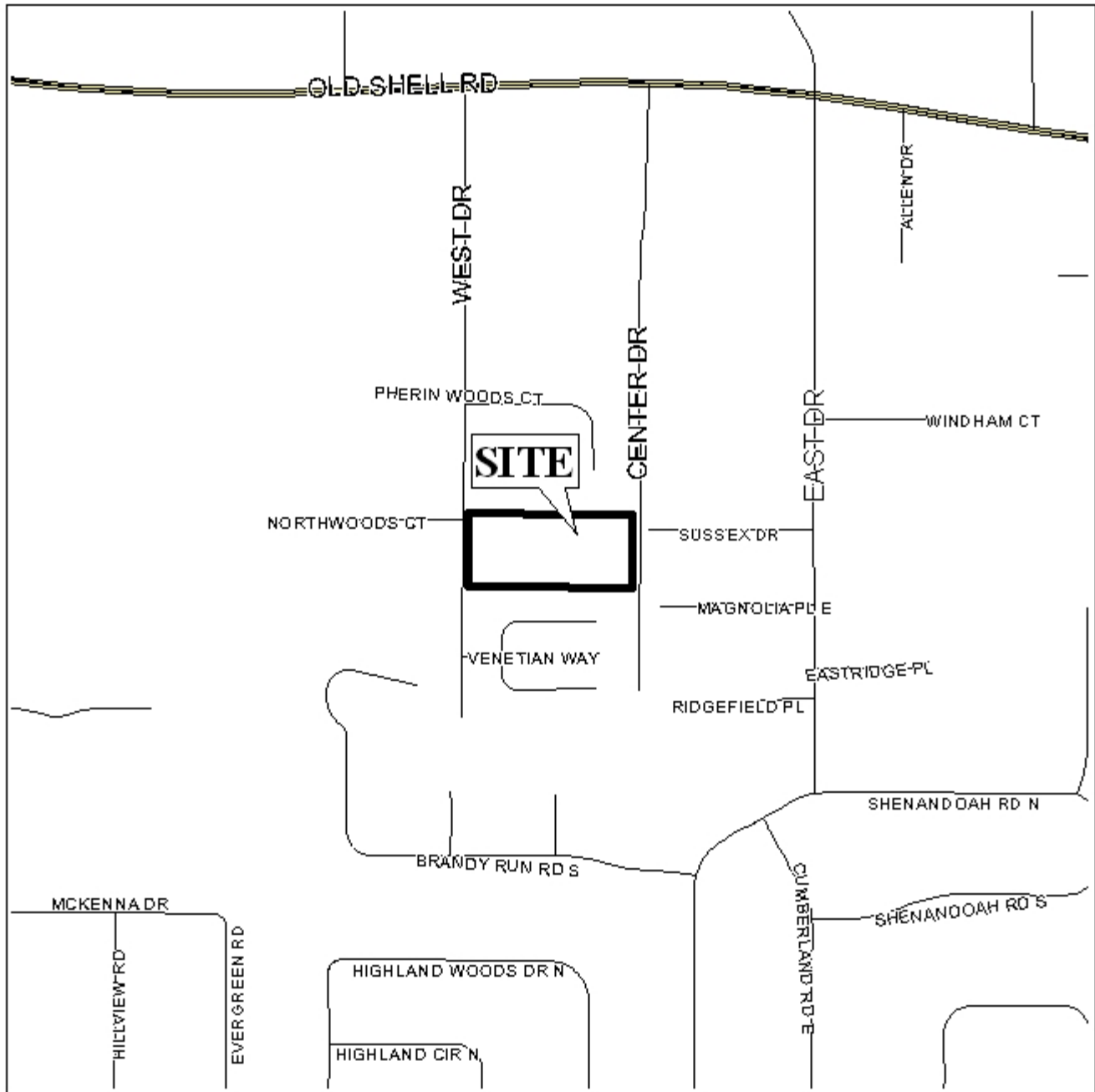
The zoning ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board of Zoning Adjustment is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such 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 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.

The adjacent neighborhood, whose fence has been "continued," is a PUD with a reduced fence easement of five feet from West Drive. Bradford Place was approved as a PUD, but no fence easement is depicted on the submitted plat. While the fence may be in character with the surrounding area and not a problem with Traffic Engineering, the applicant has failed to illustrate a justifiable hardship in complying with the ordinance and subdivision regulations. It is simply the applicant's desire to allow the nonconforming wall to remain as built.

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

# LOCATOR MAP



APPLICATION NUMBER 5439 DATE October 1, 2007

APPLICANT Ron & Co. (Ron Twilley)

REQUEST Fence Height Variance



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

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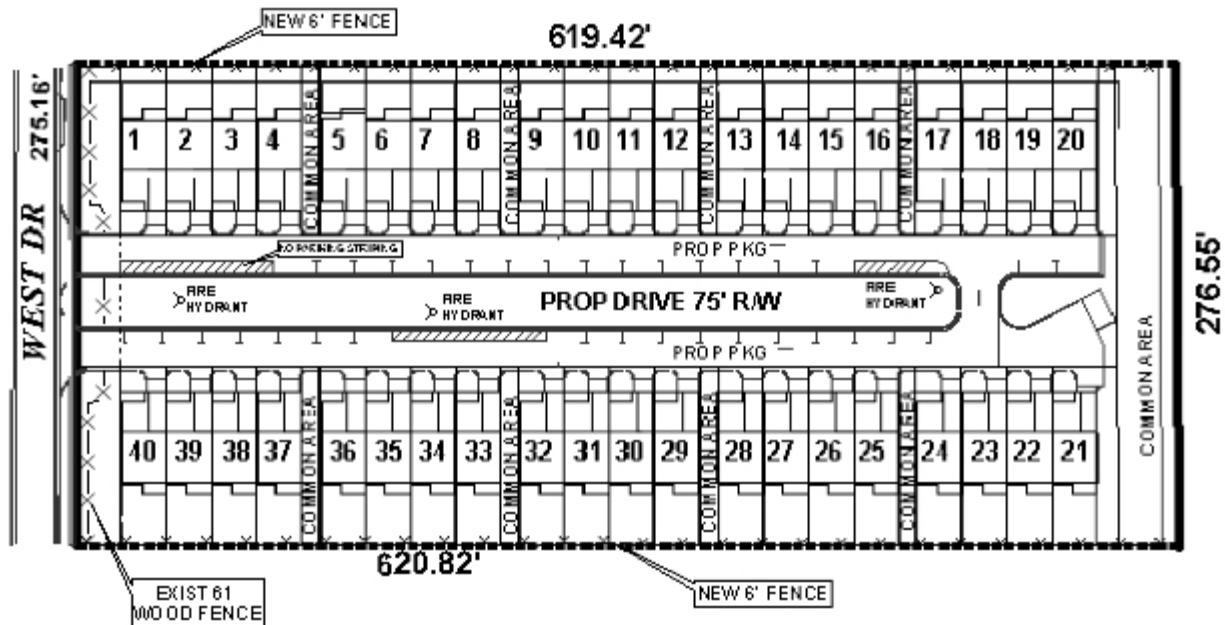
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LEGEND

															NTS
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	

# SITE PLAN



This illustrates proposed lots and structures.

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NTS