

APPLICATION NUMBER

5187

A REQUEST FOR

**FENCE HEIGHT VARIANCES TO ALLOW THE
CONSTRUCTION OF A 7'6" MASONRY WALL, 1' FROM
THE FRONT PROPERTY LINE AND A 10' WALL ON A
SIDE PROPERTY LINE; A 25' FRONT YARD SETBACK IS
REQUIRED FROM THE FRONT PROPERTY LINE FOR A
WALL OR FENCE HIGHER THAN 3-FEET IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

102 HILLWOOD ROAD

(Southwest corner of Hillwood Road and Drury Lane)

APPLICANT

JOHNNY ROBERTS

BOARD OF ZONING ADJUSTMENT

JUNE 2003

The applicant is requesting Fence Height Variances to allow the construction of a 7'6" masonry wall, 1' from the front property line and a 10' wall on a side property line; a 25' front yard setback is required from the front property line for a wall or fence higher than 3-feet in an R-1, Single-Family Residential District.

The applicant states that the 7'6" masonry wall one-foot from the property line and a 10' foot masonry wall along the side property line are requested to create a private enclosure for the rear yard. The construction of the wall would be completed upon approval of the application. In addition, the applicant states that the 25' neutral ground between the roadway asphalt and the right-of-way line is wider than normal and that because of this wider than normal neutral ground, the masonry wall would not cause a line of sight problem.

As illustrated on the Vicinity Map, the site fronts Drury Lane with the residences to the South fronting Hillwood Road. The applicant proposes to build a 7'6" masonry wall one-foot from the property line along Hillwood Road. The Board has granted setback variances in the vicinity; however, a four-foot setback was the smallest setback approved.

Furthermore, while the Board has granted fence height variances to provide privacy for a lot, in this situation the fence would be located in front of the residences to the south, creating an uneven streetscape. Additionally, no fence variance has been granted for a fence higher than eight feet.

The applicant was issued a Notice of Violation on April 22 for failure to obtain a building permit and consequently filed this application.

Traffic Engineering has conducted a site visit and stated that the wall would not cause a line of sight problem.

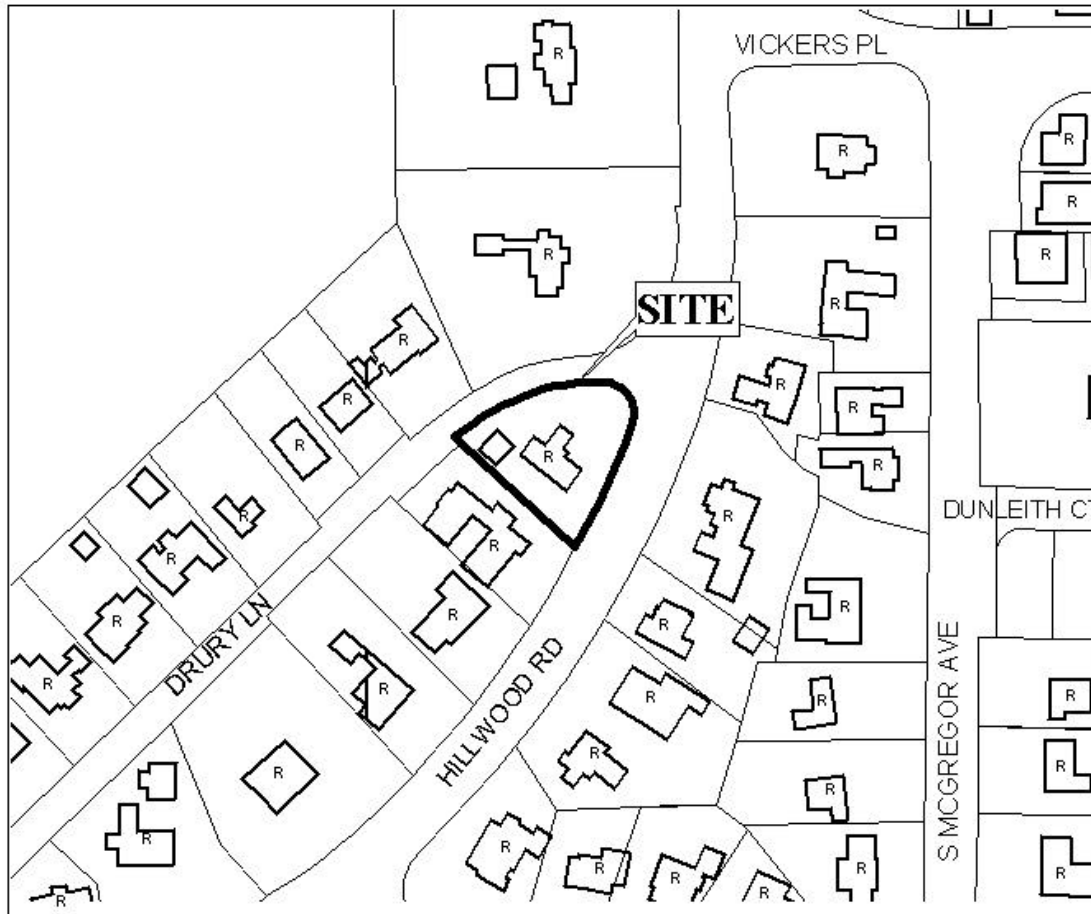
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 build the masonry wall one-foot from the front property line.

RECOMMENDATION 5187**Date: June 2, 2003**

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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

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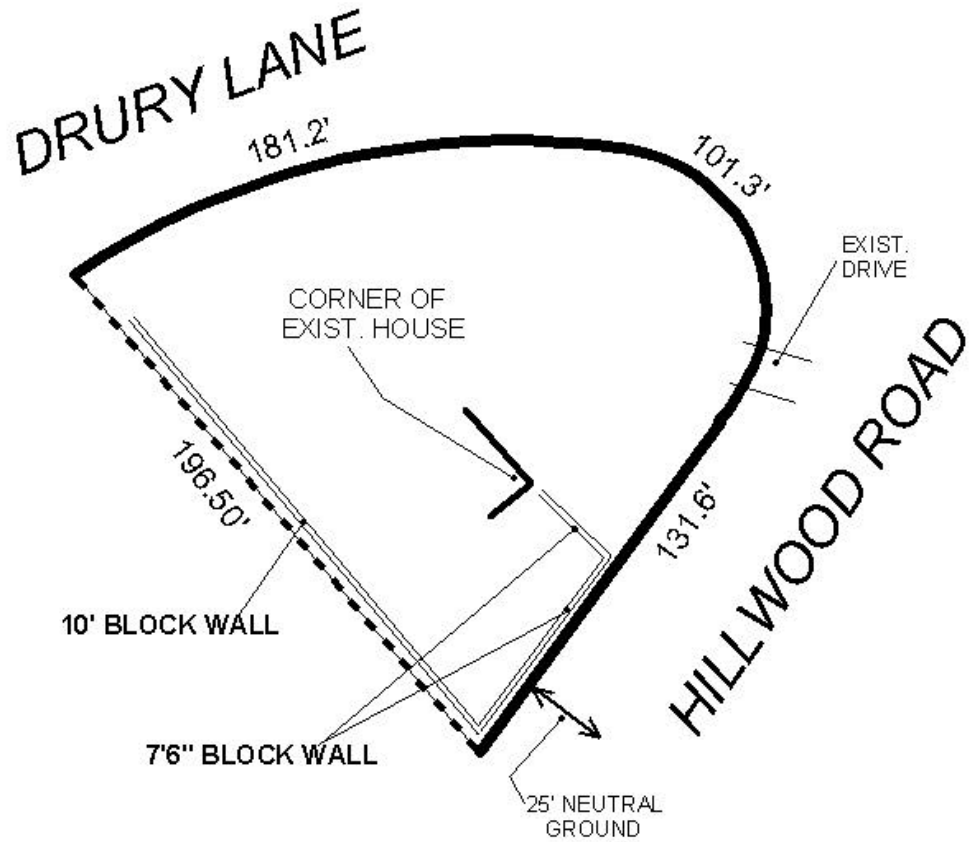
APPLICANT Johnny Roberts

REQUEST Fence Height Variances

LEGEND



SITE PLAN



The site is located at the Southwest corner of Hillwood Road and Drury Lane.
The plan illustrates the existing and proposed structures.

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REQUEST Fence Height Variances



