

APPLICATION NUMBER

5264

A REQUEST FOR

**FENCE HEIGHT VARIANCE TO ALLOW THE
CONSTRUCTION OF AN 8' WOODEN PRIVACY FENCE
ALONG A SIDE STREET PROPERTY LINE IN A R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT; A 20' SIDE
YARD SETBACK IS REQUIRED FOR A FENCE HIGHER
THAN 3', OR A MINIMUM SIDE STREET SETBACK OF
20' IS REQUIRED FOR A 6' PRIVACY FENCE ON A
CORNER LOT IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT**

LOCATED AT

6112 MACARTHUR PLACE COURT SOUTH

(Northeast corner of MacArthur Place Court South and MacArthur Place Court)

APPLICANT/OWNER

S. REEVES DILL

AGENT

TERRY PLAUCHE

BOARD OF ZONING ADJUSTMENT

September 2004

The applicant is requesting a fence height variance to allow the construction of an 8' wooden privacy fence along a side street property line in a R-1, Single-Family Residential District. The Ordinance requires a 20' side yard setback for a fence higher than three feet, or setback of 20-feet from a side street property line.

The applicant states that the owner is building a swimming pool in the rear yard and proposes to enclose the entire area with an eight-foot wooden privacy fence. The applicant continues on to say that the adjoining property to the North is a detention pond for the subdivision and thus will not be developed with a residence. Additionally, the curve of MacArthur Place Court is such that if the proposed privacy fence were placed along the side street property line, if projected northward to the next residentially developable lot, the fence would provide a more than adequate setback.

Illustrated on the Vicinity Map is a small parcel to the North; this parcel is actually the detention area for the subdivision. The lot adjoining the detention pond to the North is a residential lot, and as stated by the applicant, if the proposed fence were projected northward, the curvature of the street would place the fence behind the front setback line for the residential lot to the North. There should be no associated setback issues for the detention pond as there is no vehicular traffic associated with the pond except for maintenance and cleaning of the pond.

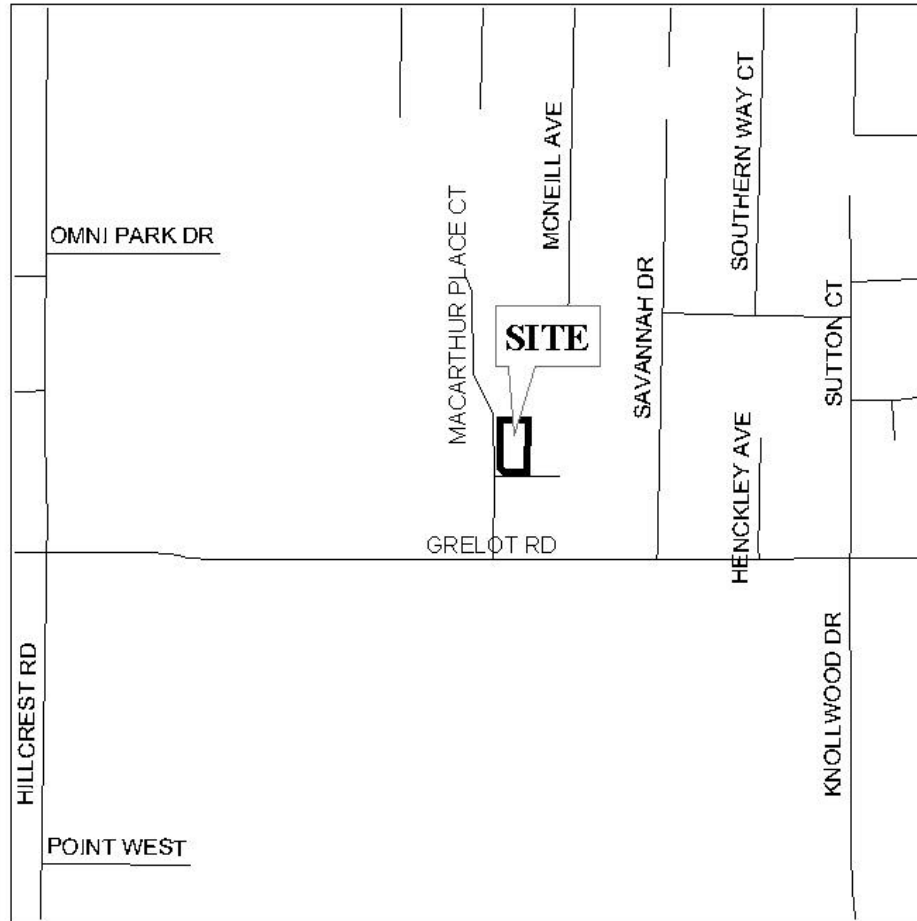
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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.

As indicated above, the curvature of the street creates a uniquely shaped site, and the placement of the fence should not pose any negative impact to the neighborhood.

RECOMMENDATION 5264**Date: September 13, 2004**

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

LOCATOR MAP



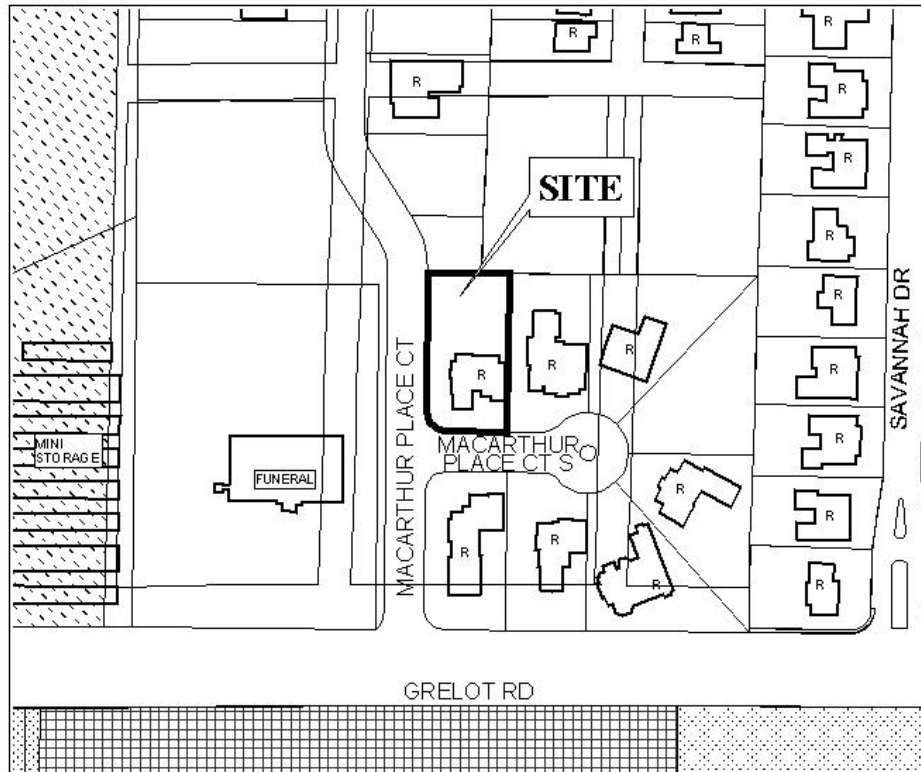
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APPLICANT S. Reeves Dill (Terry C. Plauche)

REQUEST Fence Height Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Located to the North of the site are vacant properties; to the East and South of the site are single family residential dwellings. Located to the West is a funeral home.

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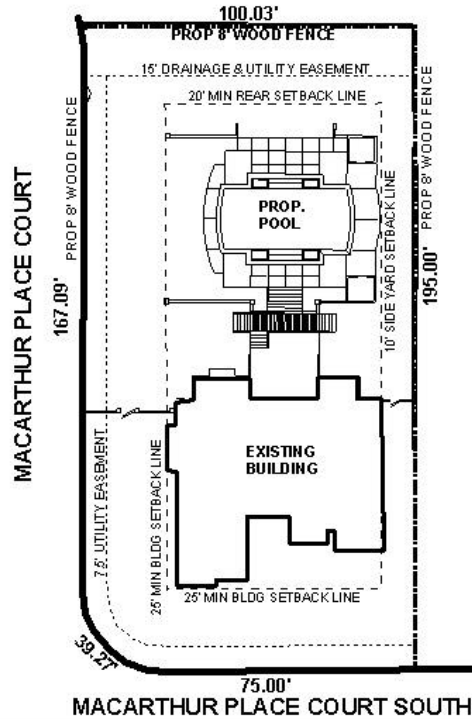
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LEGEND



SITE PLAN



The site is located on the Northeast corner of MacArthur Place Court and MacArthur Place Court South. The plan illustrates the existing structure and pool, along with the proposed fence.

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