

APPLICATION NUMBER

5164

A REQUEST FOR

**FENCE HEIGHT VARIANCE TO ALLOW THE
CONSTRUCTION OF AN 8' HIGH STUCCO WALL
1' FROM THE FRONT PROPERTY LINE; A 25' FRONT
YARD SETBACK IS REQUIRED FROM THE FRONT
PROPERTY LINE IN A R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT.**

LOCATED AT

61 MARSTON LANE

(West side of Marston Lane, 201' \pm South of Bexley Lane, extending through to
Ridgelawn Drive East)

APPLICANT

TALMAI OWEN VICKERS, JR.

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2003

The applicant is requesting a Fence Height Variance to allow the construction of an 8' high stucco wall 1' from the front property line; a 25' front yard setback is required from the front property line in an R-1, Single-Family Residential District.

The applicant states that currently they do not have a back yard and that they would like to build an 8-foot wall around the proposed yard.

As illustrated on the Vicinity Map, the residences to the North and South front Ridgelawn Drive East, while this residence faces Marston Lane. The property was originally designed as a two-lot subdivision but the residence has been constructed over the lot line thus giving the house frontage on two streets. The applicant proposes to build an 8' wall one-foot off the property line along Ridgelawn Drive East.

The applicant states in the application that he does not have a back yard. However, in looking at the site plan, it appears that the applicants "backyard" is approximately 107' x 66' measured from the dollhouse. This area alone could be almost be considered a lot due to its size. 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 two adjoining homes, would create an extremely uneven streetscape, and could pose visibility problems for the adjacent property owners.

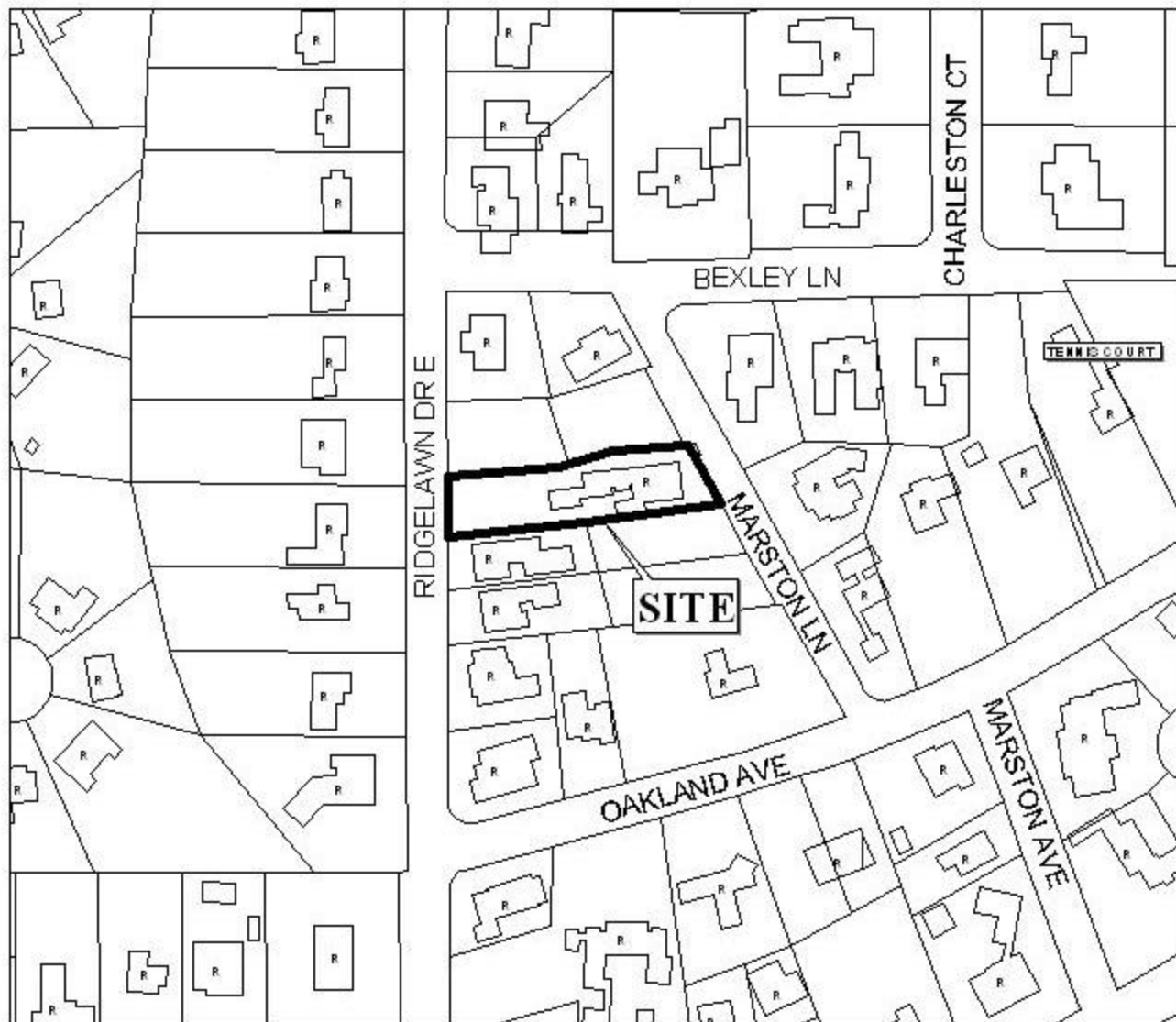
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions 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 has failed to illustrate that a hardship exists. It is simply the applicant's desire to build an 8-foot wall within the required 25' front setback.

RECOMMENDATION 5164**Date: February 3, 2003**

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

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

APPLICATION NUMBER 5164 DATE February 3, 2003

APPLICANT Talmay Owen Vickers, Jr.

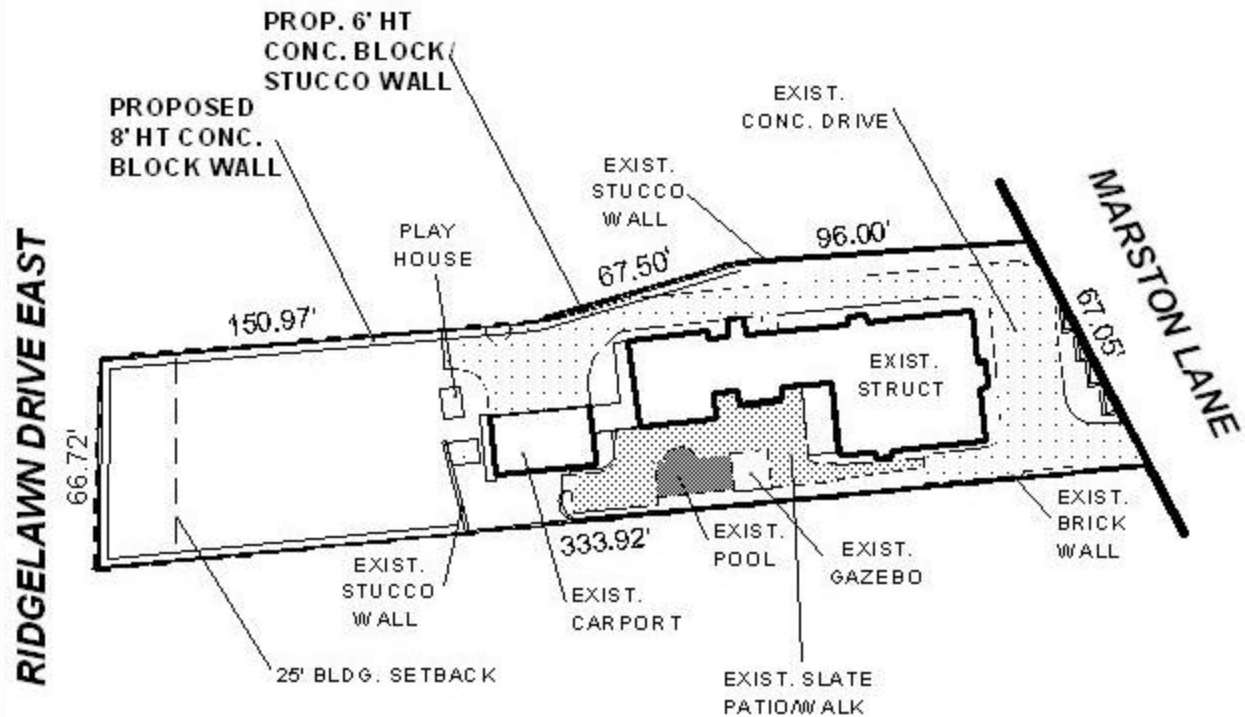
REQUEST Fence Height Variance

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

SITE PLAN



The site is located on the West side of Marston Lane, 201' South of Bexley Lane, extending through to Ridgelawn Drive East. The plan illustrates the existing structures and the proposed wall.

APPLICATION NUMBER 5164 DATE February 3, 2003
 APPLICANT Talmay Owen Vickers, Jr.
 USE/REQUEST Fence Height Variance

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