

HOLDOVER

APPLICATION NUMBER

5200

A REQUEST FOR

SIDE YARD SETBACK VARIANCE TO ALLOW THE CONSTRUCTION OF A 5' HIGH WOODEN FENCE ON A SIDE STREET PROPERTY LINE (SEMMES AVENUE); A 20' SIDE STREET SETBACK IS REQUIRED FOR A WALL OR FENCE HIGHER THAN 3-FEET ON A CORNER LOT, WITH THE LOT TO THE REAR FRONTING THE SIDE STREET IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

LOCATED AT

1750 DAUPHIN STREET

(Northwest corner of Dauphin Street and Semmes Avenue)

APPLICANT/OWNER

JOHN FELIX & CAROLYN VEREEN

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2003

The applicant is requesting a Side Yard Setback Variance to allow the construction of a 5' high wooden fence on a side street property line (Semmes Avenue); a 20' side street setback is required for a wall or fence higher than 3-feet on a corner lot, with the lot to the rear fronting the side street in an R-1, Single-Family Residential District.

The applicant states that the 5-foot high wooden fence was constructed to replace a 5-feet high chain-link fence. The applicant also states that an application was submitted before the Architectural Review Board of the Old Dauphin Way Historic District, and was approved to construct a 5-feet high solid wooden fence and 6' iron gates at the driveway. The applicant additionally states the fence was constructed as approved 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 applicant states that three primary reasons for replacing the chain link fence are: 1) there are several properties that located across Semmes Avenue that are vacant and feel that the empty parking lots of the adjacent commercial properties pose a possible threat to vandalism and theft; 2) that the 5-feet high wooden fence would be more architecturally significant to the Marking Committee to receive a Banner & Shield; and 3) privacy, the fence prevents road and sidewalk traffic from seeing into the home.

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 gate "notches in" at the driveway to provide visibility. Additionally, the applicant failed to inquire about applicable permitting to assure proper placement of the fence.

Traffic Engineering conducted an on-site review and found that line-of-sight from this location would not obstruct a driver's line-of-sight of any on-coming vehicles by the proposed fence. However, a vehicle using the driveway and/or alley would not see a pedestrian walking on the sidewalk on Semmes Street. Based upon Traffic Engineering's review, the proposed privacy fence would pose a sight obstruction for this site.

As the site is located in the Old Dauphin Way 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, which the applicant received Architectural Review Board approval; however, the fence is not designed to provide visibility for both the driveway for this residence, and the adjacent alley to the rear. Furthermore, approval of this variance could jeopardize the safety of pedestrian traffic along Semmes Street.

Traffic Engineering met with the applicant at the location. The applicant agreed to reduce the height of the wooden privacy fence (from the corner intersecting with the alley/driveway at 9 Semmes Avenue) to a height of 3' on a taper 5' back from this point.

RECOMMENDATION 5200**Date: October 6, 2003**

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) *the provision to reduce the height of the wooden privacy fence (from the corner intersecting with the alley/driveway at 9 Semmes Avenue) to a height of 3' on a taper 5' back from this point, exact design to be coordinated with Traffic Engineering; and 2) applicant to obtain appropriate review board approvals and permits.*

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Located to the West and North of the site are single family residential dwellings; to the East of the site are miscellaneous offices, restaurant, and retail. Located to the South of the site is a senior center, office, and single family residential dwelling.

APPLICATION NUMBER 5200 DATE September 8, 2003

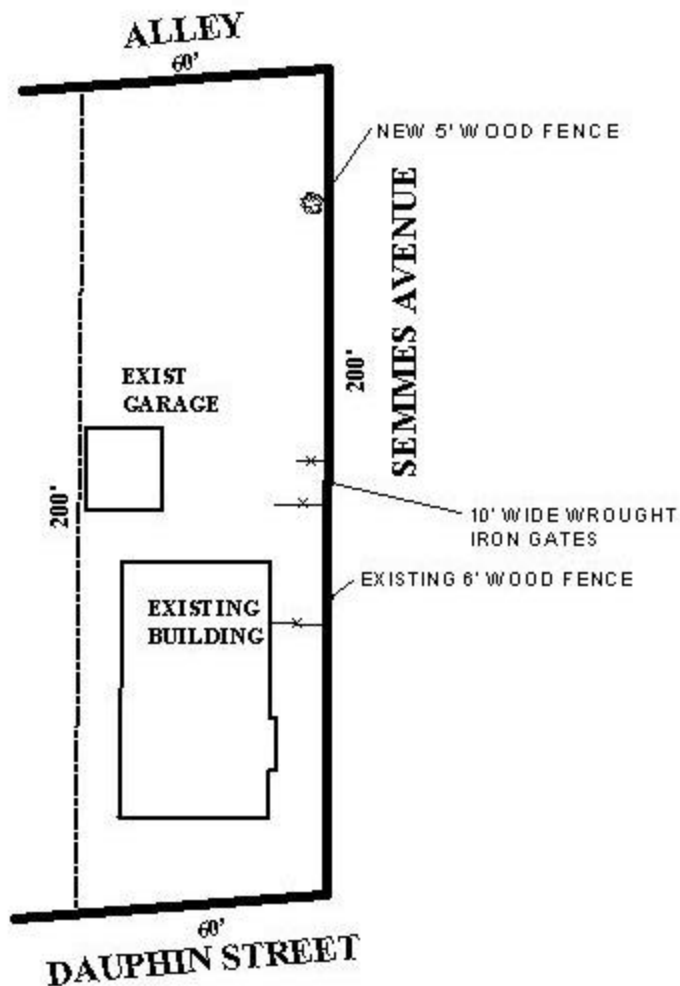
APPLICANT John Felix & Carolyn W. Vereen

REQUEST Side Yard Setback Variance

LEGEND



SITE PLAN



The site is located on the Northwest corner of Dauphin Street and Semmes Avenue. The plan illustrates the existing structures, and fence, along with the new fence.

APPLICATION NUMBER 5200 DATE September 8, 2003
 APPLICANT John Felix & Carolyn W. Vareen
 USE/REQUEST Side Yard Setback Variance

N

 NTS