

## **Exhibit 8 to Application for Fence Height Variance Ashwood Park Unit 4 North**

**The Variance is in harmony with the general purpose and intent of the Title and the adopted comprehensive master plan.**

This request is for a fence height variance along the EJ & E Railway at the west border of Ashwood Park Unit 4 North to permit a fence height of 15 feet. The requested wall height will provide an increased buffer for a luxury residential development and also for the users of the adjacent bike path that is part of a regional system. As can be seen from the existing wall and berming constructed in the previous phases of Ashwood Park, the buffer is visually attractive while providing screening, safety and noise attenuation. As such, the request is in harmony with the general purpose of the City's fence regulations`

**Strict enforcement of this Title would result in practical difficulties or impose exceptional hardship due to special and unusual conditions which are not generally found on other properties in the same zoning district.**

The practical difficulty is the result of heavily used train tracks bordering the property which is a special and unusual condition. Train traffic along the tracks is quite frequent with typical double-stacked container freight cars passing by every 20 to 30 minutes.

The fence would be a continuation of the 10 foot high fence installed along previous phases of Ashwood Park for the purpose of providing a visual buffer, sound barrier and safety barrier. The request for the added height of 5 feet above the fence height in previous phases is due to the higher elevation of the train tracks in respect to the adjacent lots as compared to previous phases. The train tracks rise in elevation from approximately 684 near 111<sup>th</sup> Street to 695 north of 103<sup>rd</sup> Street. The average grade of the adjacent lots rises a smaller amount - from approximately 683 to 690 along the same stretch. As a result, the tracks are below the lots at the south end but about 5 feet above the lots at the north end along Unit 4 North.

The height of a double stacked freight car is 20 ft, 2 inches. In the southern sections of Ashwood Park with a 10 foot high wall, about 3 to 4 feet of the containers are visible above the wall. The 15 ft. height of the wall being requested for Unit 4 North would result in a similar 3 to 4 feet being visible above the top of the wall. If just a 10 ft wall was constructed, the visible portion of the double stacked containers would increase to 8 to 9 feet above the wall, imposing a visual hardship not present in previous phases.

**The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.**

The proposed wall will be of the same style and manufacture as the existing walls along Ashwood Park and therefore will maintain the essential character of the neighborhood. As in the other portions of Ashwood Park, the wall will be installed along the top of a berm approximately 6 feet in height. The total height of the berm and wall will be approximately 21 feet compared to 16 feet for previous phases of Ashwood Park. A bike path will be constructed along the base of the berm on the residential side. The berm has relatively mild side slopes of 1:4, planted with grass, which places the wall about 25 feet from the bike path avoiding any canyon feel. This is best demonstrated by a photo of the existing wall portions that is attached to this application.

The uses on the opposite side of the wall consist of a railway, high tension power lines and an industrial park. As such, the wall will not be a detriment to adjacent properties to the west while being a very significant benefit to the residential neighborhood to the east.