

## **Standards for Granting a Zoning Variance and/or Sign Variance**

*Municipal Code Section 6-3-6:2*

- 1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan.**

**Response:** I do believe the variance request is in harmony with the general intent and purpose of the Zoning Code, particularly its goal to protect public safety as well its goal to improve the comfort and convenience of my household and our neighbors. I feel you'll also see that our request also aligns with the comprehensive master plans goal of respecting the character of our existing neighborhood, while making a change that is attractive, functional and safer for the neighborhood, while letting us make the most use out of our property. In general, this exception request is a result of the fact we, and two of our adjoining neighbors have dogs, and our neighbors also have small children. Our goal is to install a solid fence approximately ten feet from the front/corner side yard property line to make it safer for the neighbors in the adjoining yards, their children, and their dogs. It will also create a safer environment for those walking along the front stretch of the fence, where the sidewalk is very close or adjacent to the existing fence.

As you'll see below, we live in a oddly shaping rounded corner lot, that creates substantial exposure not only to the front of the property, but doesn't necessarily allow for the type of fence that most properties would be able to install, especially along the rear property line. In addition, a portion of our property, bounded by the existing fence, directly borders the sidewalk where may locals walk with their children and pets.

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

**Response:** In terms of what makes our property different, please refer to the plat of survey. You can see that we sit on a sort of "curved corner". Our house is the last one on our street, but it is not on a 90-degree corner lot. The street forms a curve that runs around our property, and alongside our backyard neighbors. The shape of our yard means that the majority of our backyard is actually a side yard, and the property width running north to south, is approximately 2 lots wide, but is not the standard depth, as it tapers off. The 30 foot setback line marked on the plat of survey actually curves around the house and intersects the back/side yards and the existing fence in the rear of the property. If a new fence were to follow the setback line we would lose a substantial amount of the backyard as we've known it for the past ten years. It would also fail to align with the neighbors' fence and create a gap in their fenced yard that has historically been covered by our fence.

The shape of the yard also means that an extensive part of the south side of the yard is "exposed" with the existing fence in place, meaning, that the yard is fully visible from the street and sidewalk for the full length of the south portion. We actually had an incident in March of this year, where a large dog saw me and my dog in the yard from the sidewalk, got loose from his owner, ran straight to the fence,

and stuck his face through the fence, which resulted in a brief fight with my dog and I ended up with a small bite while trying to separate them. Had I not been out there to intervene, it would have been much worse. In addition, there is an approximately 50 foot portion of the existing fence that essentially borders the sidewalk and creates no barrier to separate people or dogs walking by that stretch. In this instance, even the 30% open requirement could be a concern.

Finally, as noted above, based on the curve of the 30' setback line on the plat, we would not be able to even put a solid fence up along what would be considered the back of the property in a portion, because that portion would extend beyond the curved setback line, even though the rear property line is a straight line, and most properties would be able to construct a privacy fence along their entire rear property line. Ideally, we would like to have the solid fence between our house and our back and side neighbors. Along our front/corner side yard property line, we will maintain an approximate ten foot setback. The site plan shows the proposed locations.

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

**Response:** The only other property affected by the portion of the fence that requires the variance is our neighbor to the southwest, that shares the rear fence. We do not have a direct neighbor to our south. That property also sits on the curve, but is more of a traditional corner lot. I have discussed it with them, and they are supportive, as it will make things safer for their children and dogs in their yard. I'm prepared to present a letter of support from them as well, if necessary.

The fence also borders two other neighbors: one directly behind our house to the west, and our next door neighbor to the north. In these instances, the fence is already set well behind the 30' set back line and would not require a variance. The next door neighbors to the north also have two small children and a dog, so the same safety benefits apply to that portion of the fence.

Our goal is to put up a vinyl fence, which is long lived, attractive, and requires little maintenance. We chose a design that is solid, but has a decorative lattice top, so as to not have the look of a just a solid wall along the front of the property. In addition, we chose a color that matches the existing trim of the house, so that the feel of the fence will look more like an extension of the house. In addition, in this case, I feel that the placement of the existing fence is a natural barrier for the property, as if follows more of a straight path from the angle of the house. Along the west property line, it is planned to have the fence go all the way to sidewalk, the remainder of our front/corner side yard will maintain a setback of a approximately ten feet. As discussed above, the rear neighbors would have to extend their fence to the north to meet the portion of the border between us that I could no longer cover, which would look haphazard and unattractive. I 100% believe the design would be consistent with the character of the neighborhood.

Attached are several pictures of the property that show the shape of the side yard, the exiting fence footprint in the area of the requested variance, and the area where the fence joins the neighboring fence. Proposing the fence location to be approximately ten feet from the front/corner side yard property line will still provide us with the ample space for our backyard as well as keep our neighborhood's children and dogs safe.