

EXHIBIT 1: Section 6-3-6:2: Standards for Granting a Zoning Variance and/or Sign Variance

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

We have been told that the main intent and purpose of the setback guidelines are to maintain visibility around the property. As a corner lot, the rules also ensure that oncoming traffic from both intersecting streets can see around the corner. Our fence does not block any sight lines or impede traffic visibility in any way.

In addition, if this rule exists to maintain a certain aesthetic or uniformity within the neighborhood - we would argue that our fence doesn't look at all out of place. It looks nearly identical to many other fences that were constructed from the same time period.

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; and

The currently existing six foot privacy fence at 2703 Wolf River Ct was built in 1994 by previous owners of the property. At the time, it was fully compliant with Municipal Code and received a standard fence permit to be built.

We purchased the house in 2011 and wanted to replace the aging fence with a new one of the same type, size, and placement. Our permit was denied because the existing / proposed fence line no longer meets an updated fence back requirement.

We are seeking variance to the current fencing codes because our home, yard, trees, and landscaping has been built up over the past 24 years around the path of the existing fence line. To be asked to alter it now seems to be an unnecessary hardship.

On the Fox River Lane side of the property, a new fence that complies with the 30 foot setback line would have to be installed straight through landscaped brick path and a fully grown, 20+ year old crabapple tree. In order to spare this tree, we would be forced to

sacrifice more backyard area and push the fence back even further away from the street. In the end, the side of our house would be fully exposed - leaving the air conditioner condenser and multiple exhaust pipes open to street view. Meanwhile, the backyard would lose the large tree and a nicely landscaped area that our children like to safely play in.

On the Wolf River Court side, it is much of the same thing. Landscaping elements (including 2 crabapple trees, 1 birch tree, and one 45-foot pin oak tree) were fully grown and established along both sides of the fence line long before we purchased the property. To force us to now push the fence back might endanger the health of the trees while also “relocating” them all into the front yard. The altered backyard will have shrunk to the point where we would have to consider removing our swing set for safety reasons, and the front yard would be a large, empty mulch bed without a purpose.

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

We are seeking to replace our aging fence with a new one of the same type, size, and placement. If we were granted our variance and be allowed to build it - there would be minimal noticeable change to the neighborhood. The end result would be a fence that was more pleasing to the eye, is a more structurally stable, and has less exposed rotten wood.

And surely ours would not be the only house that doesn't meet the current setback guidelines. Our fence, along with many more, were approved under the previous requirements and are still standing today. Structurally speaking, our existing fence could probably last another 10+ years, but we would like replace the fence to benefit our home and the neighborhood as a whole.