

# Board of Zoning Adjustment Staff Report

July 24, 2023



<b>Case No:</b>	23-VARIANCE-0081
<b>Project Name:</b>	Woolrich Road Fence Variance
<b>Location:</b>	7108 Woolrich Road
<b>Owner:</b>	Elizabeth Yuh
<b>Applicant:</b>	Elizabeth Yuh
<b>Jurisdiction:</b>	Graymoor/Devondale
<b>Council District:</b>	7 – Paula McCraney
<b>Case Manager:</b>	Molly Clark, Planner II

## REQUESTS

- **Variance** from Graymoor-Devondale Land Development Code section 4.4.3.A.1.a.i to allow a fence to exceed the 48 inch maximum by 24 inches.

Location	Requirement	Request	Variance
Side Yard	48 in (4 feet)	72 in (6 feet)	24 in (2 feet)

## CASE SUMMARY/BACKGROUND

The subject site is .232 acres and is zoned R-4 Single Family zoning district and Neighborhood Form District within the Graymoor/Devondale jurisdiction. The subject site currently has a 1 story single family home situated on a corner lot. The applicant is proposing to construct a 6 foot fence. The proposed fence will be buffered by 3 existing mature trees along Abbywood Road.

## STAFF FINDING

Staff finds that the requested fence height variance is adequately justified and meet the standards of review. The applicant will be constructing the 6 foot fence behind 3 existing mature trees which will create an adequate buffer.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in the Land Development Code.

## TECHNICAL REVIEW

There are no outstanding technical issues with this request.

## INTERESTED PARTY COMMENTS

None.

## RELATED CASES

None.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.4.3.A.1.a.i to allow a fence to exceed the 48 inch maximum by 24 inches:**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all applicable building codes and the Land Development Code, except where relief is requested.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The existing home will be maintaining the existing mature trees that will be buffering the proposed 6 foot fence.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The addition will not cause a hazard or nuisance to the public since it is required to meet all applicable requirements of the building code.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The proposed setback would not be an unreasonable circumvention of the zoning regulations because the applicant is providing mature landscaping as mitigation. The current lot configuration does not allow for a backyard for the existing home.

**ADDITIONAL CONSIDERATIONS:**

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is the same size and shape in comparison to the surrounding properties.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the applicant is constructing the proposed fence behind 3 existing mature trees that will create an adequate landscape buffer. The applicant does not have a backyard to fence in.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has not begun construction.

**VARIANCE PLAN REQUIREMENT**

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

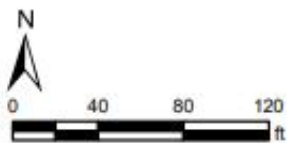
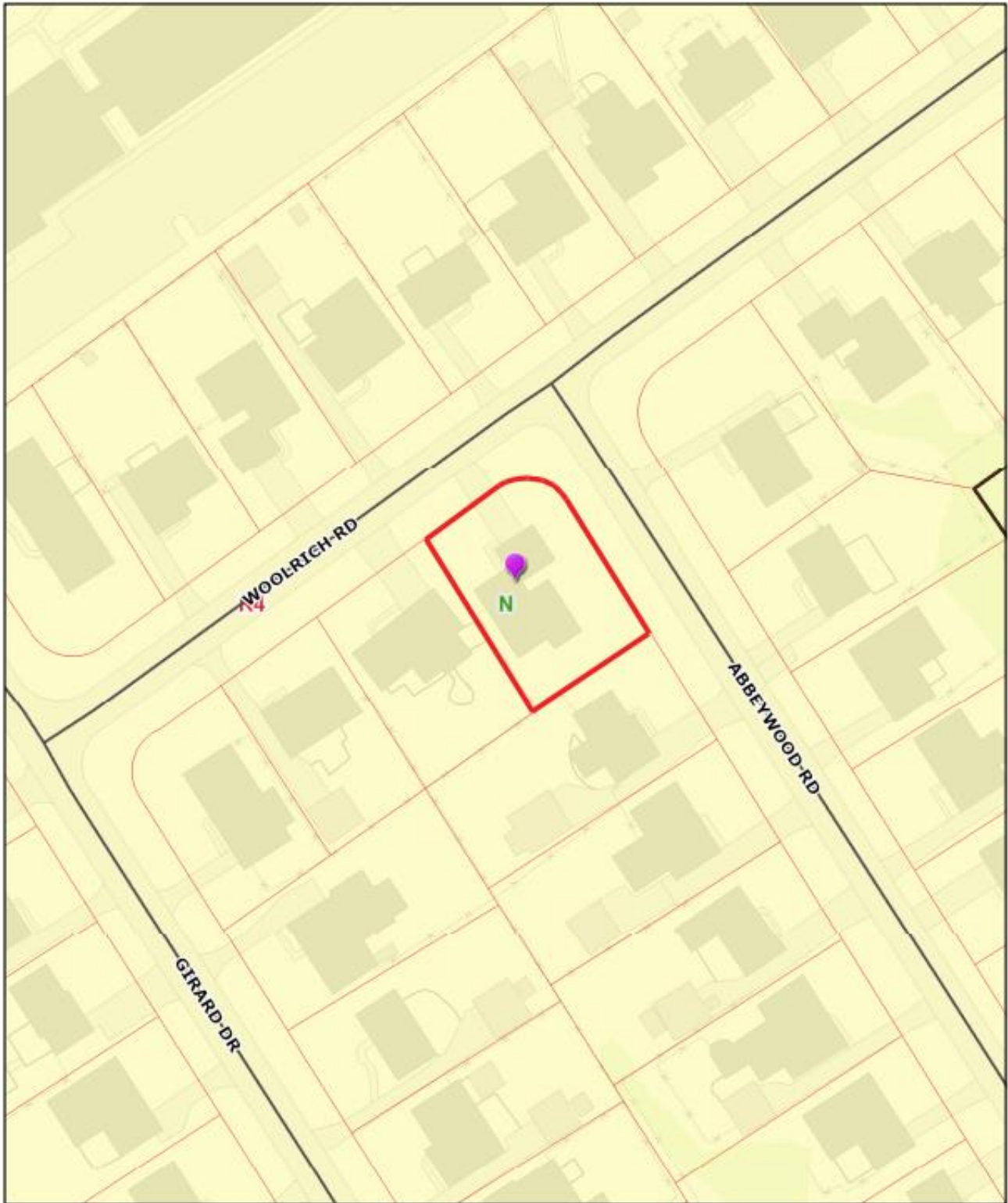
**NOTIFICATION**

Date	Purpose of Notice	Recipients
07/10/23	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 7

**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Site Plan
- 4. Elevations
- 5. Site Photos

1. Zoning Map

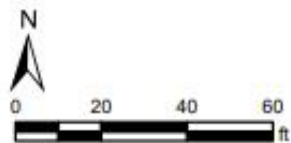


Friday, July 14, 2023 | 2:16:31 PM



LOJIC © 2023  
This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



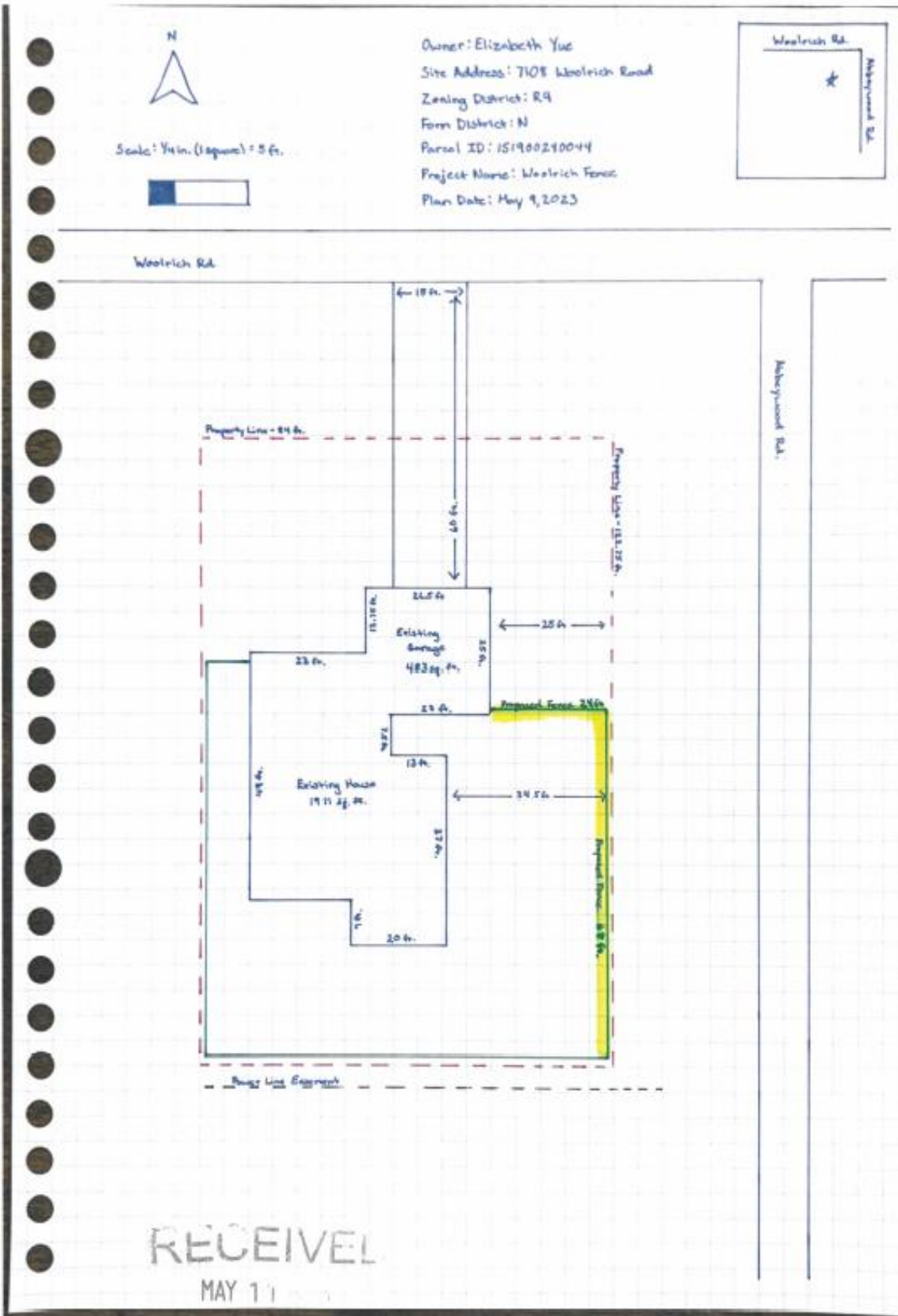
Friday, July 14, 2023 | 2:17:50 PM



LOJIC © 2023

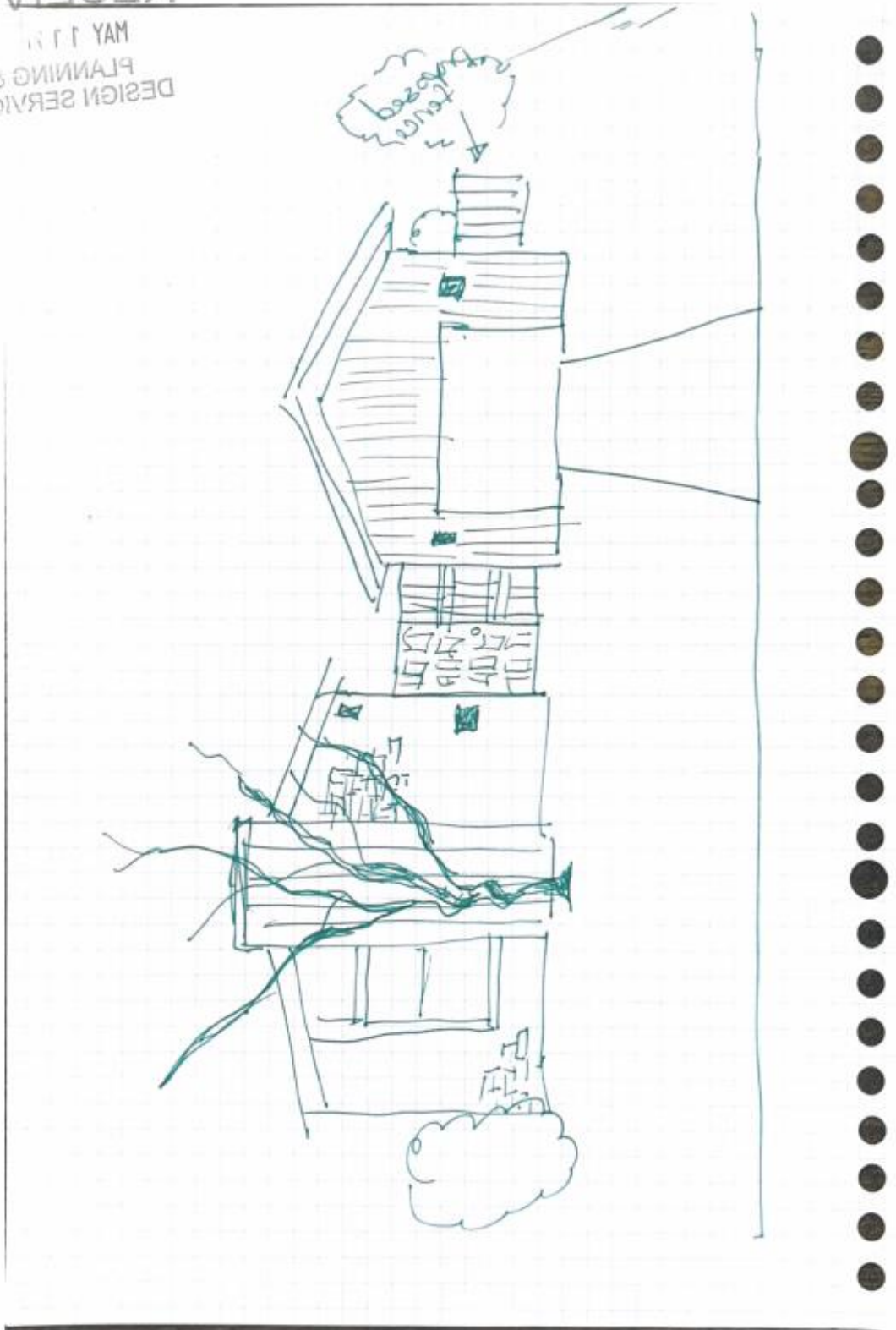
This map is not a legal document and should only be used for general reference and identification

3. Site Plan



4. Elevations

RECEIVED  
MAY 11 AM  
PLANNING &  
DESIGN SERVICES

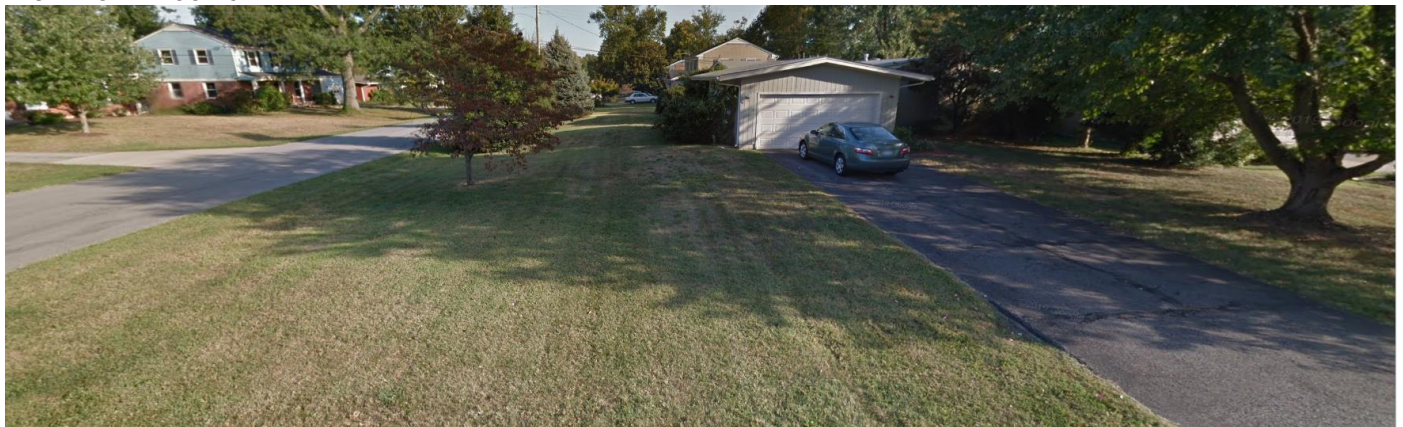


5. Site Photos

Front of Property (First photo from the corner, second photo from Abbywood Road:



View from Woolrich:





House to the right of subject site:



Properties to the left of subject site (Behind):



**Across the street:**

Woolrich:



Abbywood Road:

