

Practical Difficulties Response for 2666 Wagar Road Fence Variance Request:

- A. Conditions which preclude the reasonable use and enjoyment of my home at 2666 Wagar Road compared to similar corner lots within the district are:
1. Narrowness of the parcel or significant decrease in lot width from front to rear yard lines which significantly compounds the impact of,
 2. Immediate proximity to and constant occurrence of stopped traffic at the intersection of Hilliard Blvd., and Wager Road. Although an increase in the amount of moving traffic was observed and expected upon purchasing my home I could not have anticipated the degree of intrusion by occupants of multiple vehicles stopped during each red light occurring every other minute of every day. Upon moving in it immediately became evident that the proximity to such stopped traffic prevents even a minimal amount of privacy any single-family detached lot within the City should be able to provide. Having reviewed the City's fencing regulations as a usual remedy I feel it justified to ask for a complete exception under Section 1153.15(j)(7)(D.), of the City's decorative fencing regulations which would enable me to construct a privacy fence conditioned upon a reasonable fence height, placement and compatible design with my home.
- B. On balance, I believe the Board's approval of my request for a solid privacy fence only stands to benefit the City by addressing the obvious impact imposed upon my parcel and will suggest here that any reasonable person would expect this to be the usual and customary remedy to such condition. Certainly, even the most attractive decorative fence set in accordance to the desired height, setback and transparency requirements along Hilliard Blvd., would not provide the degree of privacy needed.
- C. I consider my request substantial in the general application or strict interpretation of regulations covering transparency to both decorative and privacy fencing within the side yard of a corner lot (1153.15.j.2.). The specifics to my parcel would suggest however that when such regulations were drafted by the City significant irregularities in the shape of corner lots (1109.08.a.), set alongside a major boulevard at less than the desired angle for proper planning of an intersecting street (1109.04.2.) and subjected to the continued effect of a traffic signal either did not exist or if present would be accommodated through the City's own variance process once raised.

I believe my request for no more than a five-foot-high privacy fence within my rear yard varies from those regulations covering such (1153.15.j.2) by asking for its' design to be solid or without the 25% minimum transparency required. I will note that instead of proposing a six-foot high privacy fence with 25% transparency in its design I feel a shorter, solid, privacy fence is more appropriate given the architecture of my home while providing that much more transparency above. Technically, 25% of 72" = 18" or a maximum solid fence height of 54" instead of the requested 60" to maintain the imaginary 25% open criteria above.

Regarding the same solid design request to the side yard along Hilliard Blvd., the break in the proposed setback distance from the property line of two feet is my attempt at the following:

1. Implement an aesthetic break to the overall length of the layout,
2. Increased access to and from both rear and side yards, and
3. Maintain the preference to accommodate the existing side-yard evergreen bushes currently providing the only degree of privacy to this side yard.

In review of both side yard fence regulations pertaining specifically to corner lots I will note the variance needed to 1153.15.j.2., in requesting to construct a solid fence at the permitted height but without then 25% transparency required, as well as 1153.15.j.4., requesting to construct the same solid privacy fence up to a height of five feet requiring a variance of an additional 18" in height, and a one foot variance to the minimum five-foot setback from the side yard line along with omitting the transparency requirement to the proposed fence design.

- D. I do not feel as though the character of the neighborhood would be substantially altered or adjacent properties made to suffer in any material way over this request for the single reason that any reasonable person familiar with the circumstances imposed upon my property would expect to see this type of remedy implemented.
- E. The proposed fence would not interfere with the delivery of governmental services.
- F. The property owner did purchased the property with knowledge of the zoning restrictions as well as those provisions for exceptions by the BZA/Architectural Review Board. The property owner was confident the unique circumstances surrounding this property would warrant consideration for such a request.
- G. No special conditions exist as a result of actions by the owner.
- H. No other method of improvements or enhancements would achieve the desired outcome to the rear and side yard privacy being sought.
- I. I believe my request is in keeping with the City's interest to promote the health, safety and welfare of residents as it addresses this parcel's current inability to provide even a minimum level of privacy and sufficient area expected of a residential lot within the City.
- J. Granting of this request will provide the homeowner with no special privilege or position beyond that which has been and/or would be provided of any other applicant presented with the same circumstance.
- K. A literal interpretation of the provisions of the City's code would significantly deprive me of seeking a reasonable solution to the negative impacts imposed upon my lot which currently prevents my reasonable use and enjoyment of my home.

Most Respectfully,

Ms. Halle Buescher
Homeowner