

SUBJECT: 1100 Elmwood Rd Corner Lot Rear Yard Fence Variance Submission

TO: Board of Zoning & Building Appeals
Architectural Review Board
c/o Dylan Minek, Planning and Community Development Administrator

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SUMMARY & CONTENTS

This submission requests approval for a proposed fence installation at 1100 Elmwood Rd, a corner lot. We propose replacing the existing aluminum rear yard fence with a 5-foot-tall cedar fence, approximately 25% open, using 3.5-inch-wide vertical slats spaced 1-3/16 inches apart.

Because a section of the south fence approximately 23-feet-long falls within the corner side yard setback under §1153.15(j)(4), three variances are requested:

- (1) A variance for height allowing a 60-inch fence (vs. the 42-inch maximum)
- (2) A variance for style allowing a non-ornamental fence with ~25% openness (vs. the ornamental style required).
- (3) A variance for setback allowing placement up to the property line but set back a minimum of 5 feet from the sidewalk.

The remaining portion of the south fence is proposed behind the required corner side yard setback and behind the front face of the principal dwelling, consistent with the requirements of §1153.15(j)(3).

The following documents are included in this packet to support review by the Board of Zoning and Building Appeals (BZA) and the Architectural Review Board (ARB):

Section	Description	Page
1.0	Completed BZA Application Form & Typical Variance Sheet	1
2.0	Completed Fence Permit Application	4
3.0	Project Overview (including photos of existing conditions)	5
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SECTION 3.0 PROJECT OVERVIEW

We are requesting approval to replace the existing rear yard aluminum fence at 1100 Elmwood Rd, a corner lot. The purpose of the new fence is to provide greater privacy and safety for our family.

Current Fence

The current fence includes two distinct materials installed by the previous owner:

- A black aluminum fence installed in 2019 (Permit No. 20190088) along the north and west property lines and along the sidewalk, setback 6 inches, on the southside of the lot.
- A white, vinyl lattice privacy fence installed in 2021 (Permit No. 20210062) wrapping around the south and west sides of the back patio.

Fence posts are spaced approximately 6 feet apart and extend 50 inches above ground. There are three gates:

1. A ~4-foot-wide gate on the north property line (shared with 1076 Elmwood Rd)
2. A ~8-foot-wide gate connecting the aluminum and vinyl sections on the south
3. A gate within the vinyl fence opening onto the patio on the south side



Figure 1. Aerial view of 1100 Elmwood Rd showing existing fence layout. Black = aluminum fence (north, west, and south property lines); white = vinyl privacy fence (around back patio); dotted yellow = approximate lot edge; blue box = cedar shed (120 sq. ft., constructed in 2024). White boxes indicate approximate gate locations.



Figure 2. View facing west toward the house from Erie Road, showing the connection between the aluminum and vinyl fences and their proximity to the sidewalk. Also visible are the wide aluminum gate (foreground), the vinyl gate leading into the back patio (background).



Figure 3. View of the south property line from across Erie Road, showing the full length of the aluminum fence and its proximity to the sidewalk.



Figure 4 (left). View looking east from the southwest corner of the property, showing the aluminum fence and its proximity to the sidewalk.

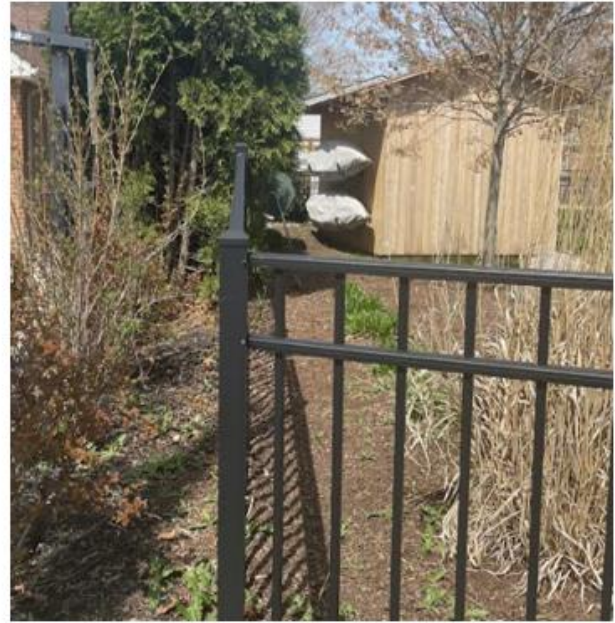


Figure 5 (right). View looking north from the same point.

Proposed Fence

We propose replacing the existing aluminum rear yard fence with a 5-foot-tall cedar fence (~25% open, using 3.5-inch vertical slats spaced 1-3/16 inches apart). The north and west sections fully comply with zoning; variances for height, design, and setback apply only to an ~23-foot section of the south fence within the corner side yard setback (§1153.15(j)(4)). Key details:

1. Height (requires variance): Consistent height of 5 feet.
2. Layout (requires variance): The north and west sections follow the property line; the south section is positioned a minimum of 5 feet from the sidewalk and is entirely behind the front face of the principal dwelling. The vinyl fence will be removed, and the new fence will terminate at the rear face of the principal dwelling
3. Gates: Retains the shared gate with 1076 Elmwood Rd; removes the vinyl gate; adds a new gate on the north side yard; and installs a new 8-foot gate on the south section, replacing the current wider aluminum gate.
4. Design (requires variance): Vertical cedar slats ~3.5 inches wide with ~1-3/16-inch gaps, providing ~25% openness; a design variance is requested because it is not classified as ornamental under the code.
5. Material: Unstained, sealed cedar.

Additional construction details, including methods, post and rail profiles, and finish approach, are provided in Section 5.0 Proposed Fence – Design & Materials.

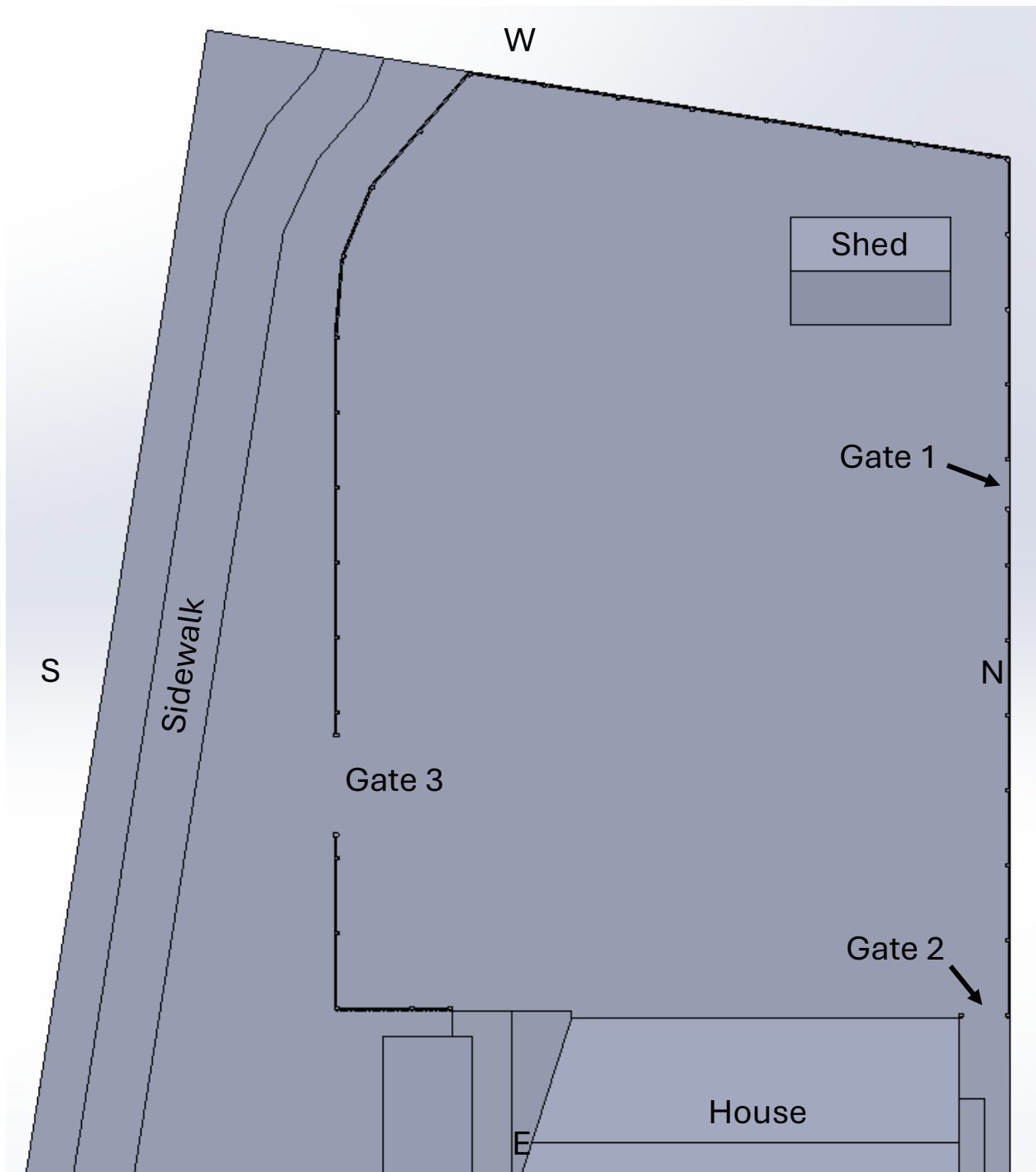


Figure 6. Aerial view of the proposed fence layout, showing the full perimeter alignment set a minimum of 5 feet back from the sidewalk along the south lot edge, with the setback continuing to widen as the lot opens toward the front.

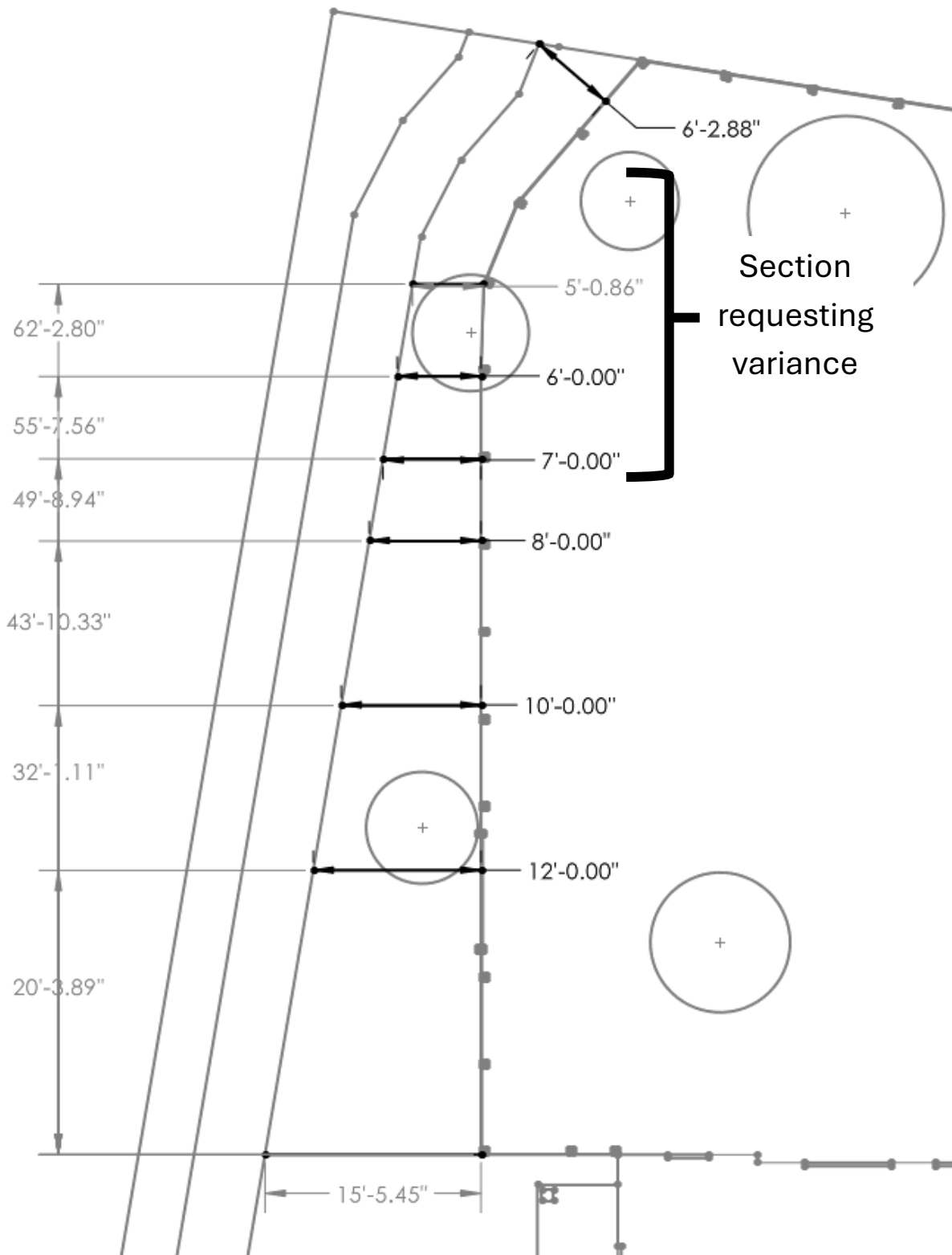


Figure 7. Aerial view of the proposed fence layout, showing the consistent setback of at least 5 feet from the sidewalk along the entire south edge of the lot, gradually widening to over 15 feet where the fence meets the house.

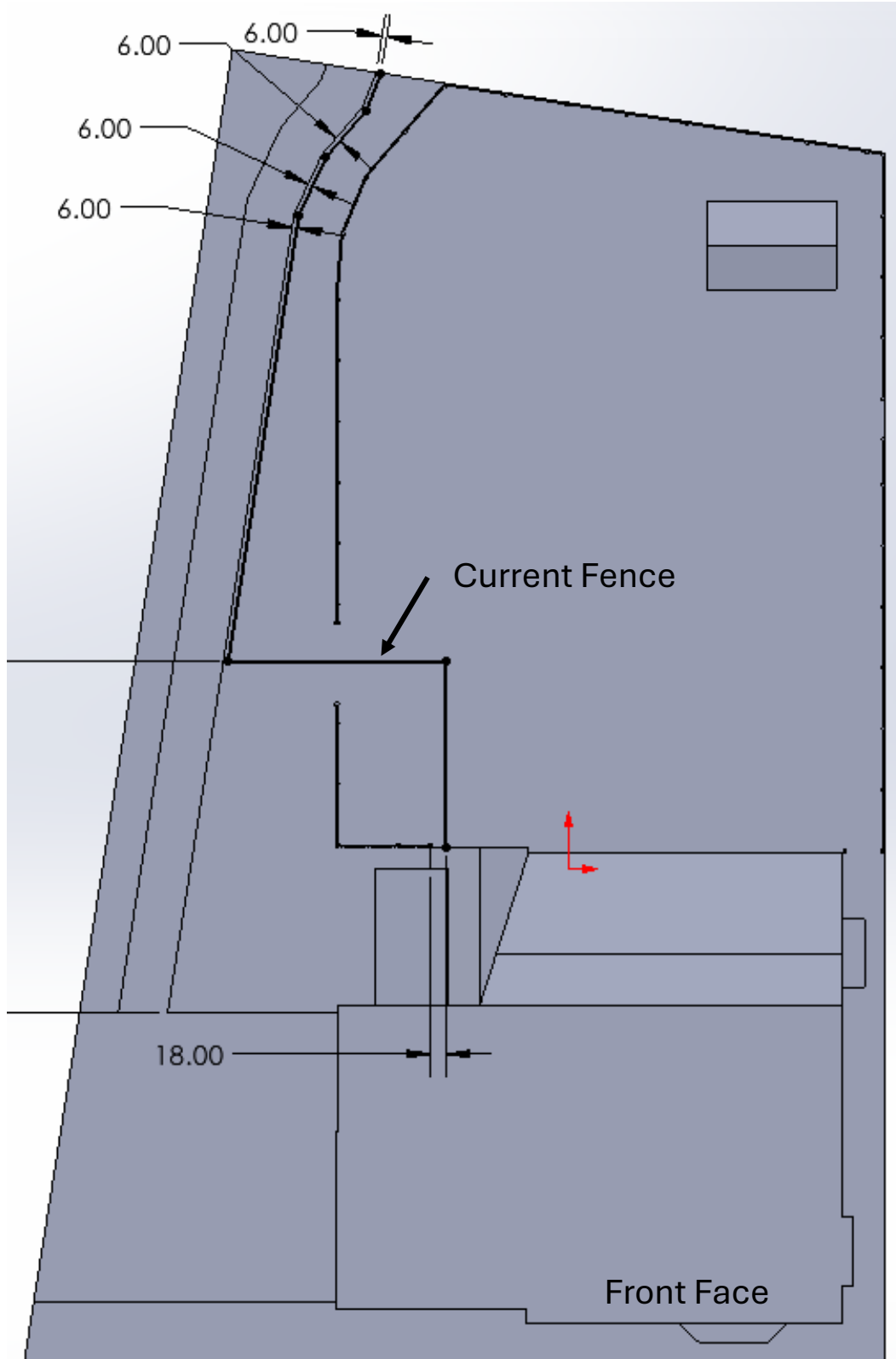


Figure 8. Aerial view comparing the current and proposed fence lines, showing the new alignment aligned with the front face of the house.

SECTION 4.0 PRACTICAL DIFFICULTIES

All questions require a complete response.

R.R.C.O. 1133.17(c)(1). In order to grant an area variance, the following factors shall be considered and weighted by the Board of Appeals to determine practical difficulty:

A.) *Describe what special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other land or structures in the same zoning district (i.e. exceptional irregularity, narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions).*

1100 Elmwood Rd is a corner, trapezoidal lot with frontage on both Elmwood and Erie Roads. The corner side yard setback overlaps the rear yard, and the lot narrows toward the back, further reducing usable space. Unlike interior lots, this layout imposes additional restrictions along the rear boundary.

B.) *Explain whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance (discuss use limitations without the variance).*

Without the variances, the fence style around the rear yard perimeter would be inconsistent, and the south section would require a mid-section, slight bend inward rather than extending straight back in line with the front face of the house until it meets the sidewalk's curve.

C.) *Explain whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures (demonstrate how much the variance request deviates from Code requirements, i.e. coverage is 1 or 2% above Code, or setback is 1 or 2 feet less than Code requirement).*

The variance is not substantial and applies only to an approximately 23-foot section (of a total ~214-foot fence, or about 10%). The height (5 feet) and openness (~25%) variances match what is allowed on the north and west lot lines and on non-corner lots.

D.) *Explain whether the essential character of the neighborhood would be substantially altered and whether adjoining properties would suffer substantial detriment as a result of the variance (discuss the increase of value, use, and aesthetic appeal for both your property and adjoining properties, together with any negative impact to adjoining properties).*

The proposed fence will not alter the neighborhood's character or harm adjoining properties. It replaces an existing fence in the same location but moves further off the sidewalk, providing more space for pedestrians and adding privacy and safety for our family, with no negative impact on surrounding properties.

E.) Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup.

The proposed fence will not affect utilities, easements, or service access, and visibility remains unchanged. Moving it further from the sidewalk improves clearance for pedestrians and snow removal.

F.) Explain whether the property owner purchased the property with knowledge of the zoning restrictions.

We were aware the property was a corner lot and that the existing fence was non-compliant, but we were not fully aware of the detailed setback requirements at the time of purchase.

G.) Explain whether special conditions or circumstances exist as a result of actions of the owner.

No. The need for variances exists due to lot conditions that predate our ownership; we are replacing the existing fence but closer to code intent.

H.) Explain whether the property owner's predicament feasibly can be obviated through some method other than a variance (why other means and methods of property improvements or enhancements would not suffice).

Without a variance, the fence would need to bend awkwardly inward at the midpoint, creating an aesthetically suboptimal layout. We still plan to landscape the area between the sidewalk and fence with robust, primarily native plantings to soften the appearance.

I.) Explain whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance (discuss the positive impact of your improvement on your property and on the surrounding neighborhood).

Granting the variances meets the zoning code's general requirements for openness and visibility while allowing a consistent, functional fence set at least 5 feet back from the sidewalk along the entire south edge of the lot.

J.) Explain whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

No. Granting the variance does not create a special privilege; it allows the rear yard fence to align consistently along the lot edge, similar to what other properties in the district already have, accounting for this lot's shape and sidewalk curve.

K.) Explain whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

A strict interpretation would force either an inconsistent fence style or an awkward, irregular shape due to the sidewalk curve and trapezoidal lot.

SECTION 5.0 PROPOSED FENCE – DESIGN & MATERIALS

The proposed fence is a 5-foot-tall cedar fence with ~25% open vertical slats (3.5 inches wide, spaced 1-3/16 inches), set on posts spaced approximately 6.5 feet apart. Fence sections will be assembled with three horizontal rails.

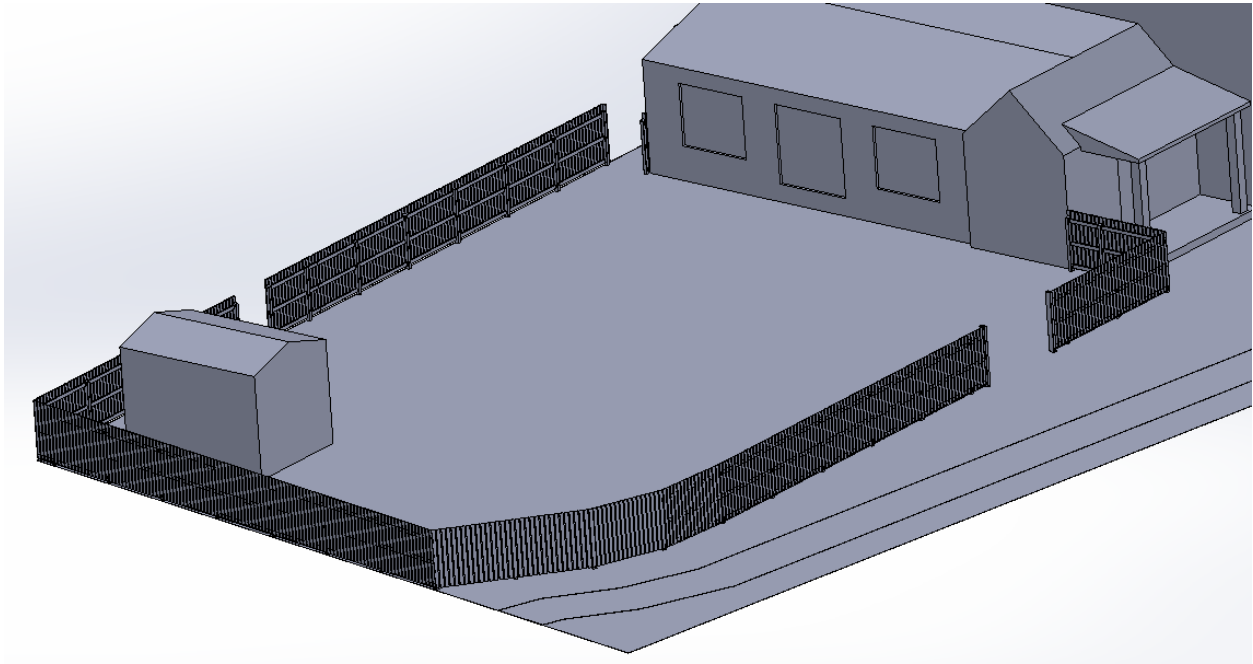


Figure 9: Aerial view of the proposed fence from the southwest lot corner showing the fence layout in context with the home and the shed. Gates are not shown.

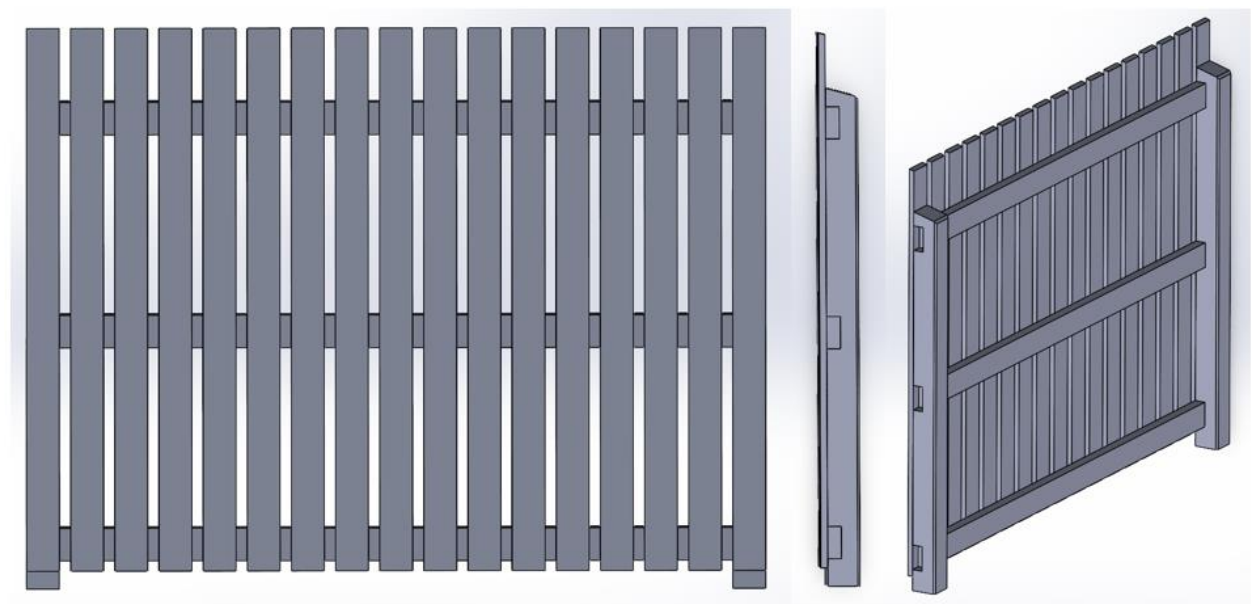


Figure 10. Fence section views, left to right: front (as viewed from outside the property), side profile, and isometric view showing post, rail, and slat configuration.

Posts

- Nominal 4x4 cedar, 54 inches tall, buried 36 inches, with hybrid gravel/concrete footings.
- Treated with copper naphthenate (or equivalent) and roofing tar sealed below grade.
- Post tops beveled at 15 degrees for water runoff.

Rails

- Three nominal 2x4 cedar rails per section (top, middle, bottom), notched into posts.
- Rails will be face-screwed into the notches using stainless or coated exterior-grade fasteners.

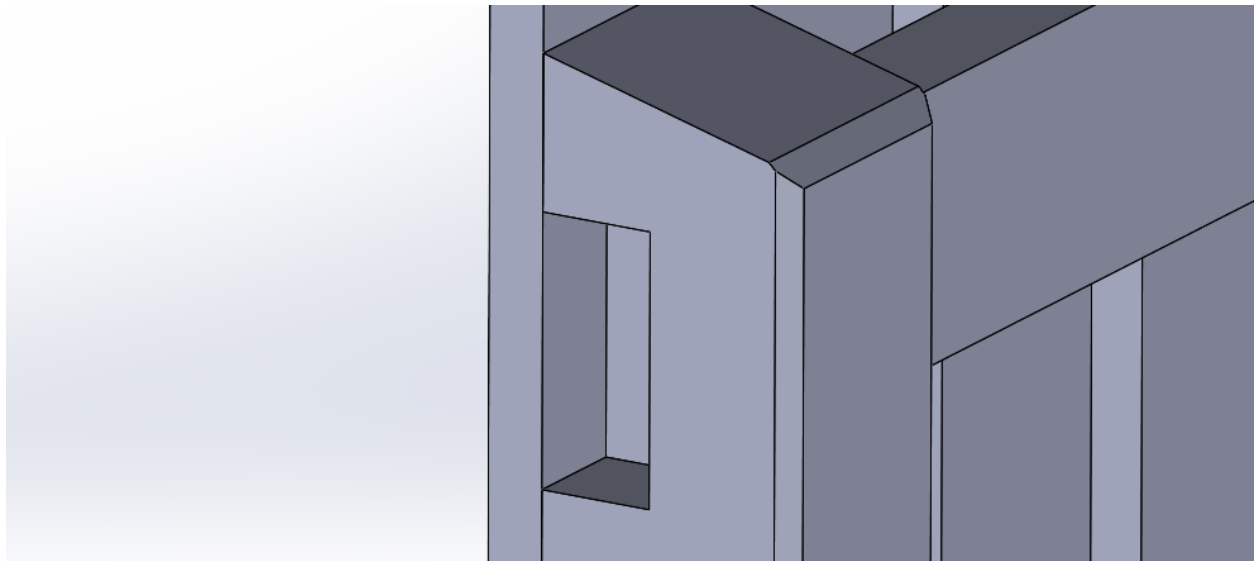


Figure 11. Close-up of the post notch detail.

Slats

- Nominal 1x4 cedar, installed 2 inches above grade, beveled at the top to match posts.
- Evenly spaced to provide ~25% transparency per code.

Materials & Finish

- All components are cedar, sealed on all sides with oil-based exterior sealer.
- All hardware is exterior-grade (stainless, galvanized, or powder-coated).

Gates

- Three gates: one on the north side (shared with 1076 Elmwood), one on the north return section, and an 8-foot gate on the south section facing Erie Rd. Gates will match the fence design.

SECTION 6.0 SITE PLAN

Aerial site plans are provided in Section 3 above.

While no elevation drawing is included, the property has a consistently flat grade, and the proposed fence maintains a uniform 5-foot height. Post-to-post measurements of the existing aluminum fence show minimal height variation (within ± 5 inches), confirming that a formal elevation drawing is not necessary for review.

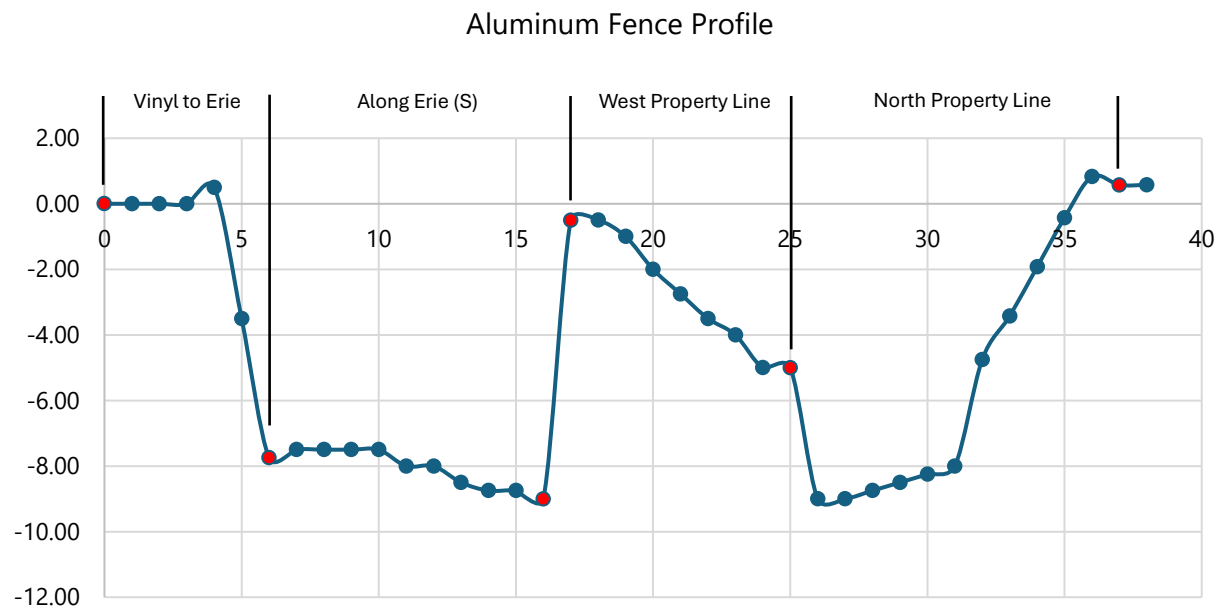


Figure 12. The total variation in post-to-post height along the existing aluminum fence is within ± 5 inches.