

7305 W Wells St.

J. Ross McIntyre

DESCRIPTION OF REQUEST:

1. Exceptional Circumstances do exist pertaining to this lot.

My lot at 7305 has 2 easement zones - one on the east (10ft wide), and one on the south (18ft wide). These easements contain water and sewer lines that service the neighborhood. The easement on the east abuts an existing porch stoop; we would like to add a fenced walking path around the stoop to provide improved access to our backyard. The southern portion of the property has a large amount of mature trees with a narrow path in between that we had identified as an ideal location for a fence.

2. A variance is necessary for the preservation and enjoyment of the property rights possessed by other properties in the district and vicinity.

We would like to apply for a variance to install a fence to contain children and pets, and to keep out rabbits that have a tendency to eat the plants in our garden. The fence would also serve as a boundary to a walkway for an improved approach from the front yard to the back yard.

3. The variance will not create a special detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this or to the public interests.

The proposed fence would not impair any adjacent property; the intent is to have it located within the bounds of our own property line. Fences are common structures around our neighborhood.

4. The difficulty or hardship was not created by the property owner.

The sewer and water lines were installed by the city, and their corresponding easement was set by the city. The mature tree lines I am attempting to navigate in between were planted prior to our ownership of the property.

FENCE EXCEPTION

1. Whether strict application of the code would create a hardship to the property owner;

Placing a fence outside of the easement zone:

- on the east side - it would mean a fence cannot be installed unless a concrete stoop with a footer below the frost line was removed
- on the southern side - it would mean removing a mature tree line and disrupting a garden bed.

2. Whether the hardship results from conditions which are unique to the property, or unusual in comparison to the properties to which the code is generally applicable;

From what I understand after a conversation with city employees, it is not common to have major utility service run through a backyard along the property line. This would push the fence line further into our yard than what a homeowner would normally be able to install. In addition to that, we also have service lines running through a side yard.

3. Whether the application of the exception will be consistent with the intent of the ordinance and not impair public safety.

The closest utility to the proposed fence is a sewer line. The fence post would be installed to a depth of 3-4 ft, and the approximate depth of the sewer line is 9.25 ft minimum. The proposed fence would cross orthogonally over top of a buried sewer line in two spots, but no posts would be installed directly over the sewer line.