

A **fence exception** can be granted by the Board of Zoning Appeals if the applicant demonstrates to the Board that a hardship exists created by conforming to the fence regulations based upon the following three factors:

1. Whether strict application of the code would create a hardship to the property owner;
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; and
3. Whether the application of the exception will be consistent with the intent of the ordinance and not impair public safety.

Fence Exception Description: We ask for the approval of a fence exception allowing for a length of 18.5' of side yard to be screened with 6' fencing. Our reasoning and responses to the above three factors are as follows:

1. Strict application of the code would impose hardship on the property owner by eliminating privacy for their indoor and outdoor living areas. Arborvitae trees (planted by previous owners) screened the area but were uprooted this winter. Before their removal they completely blocked the only entry/exit to their yard through their back gate, so their yard was only accessible through the house. To keep a clear entry/exit through the gate an evergreen screen replacement is not an option, necessitating the proposed 6-foot fence to restore desired privacy. Lowering the fence in this area to 4.5 feet would eliminate privacy in their main functional yard space as well as interior living area. This measure is crucial as both neighbors' windows face each other allowing view into each other's interior living areas as well as adjacent outdoor entertainment areas.
2. The hardship arises because of a unique addition made by previous owners, which extends from the middle of the house into the rear yard, parts of their yard that traditionally functioned as rear yard are now classified as side yard. As demonstrated in photos the patio now lies behind the attached garage and upper floor living areas and to the side of the family room. Unlike other houses in the area with more linear rear facades, this property faces the unusual situation of having areas designated as side yard that have historically functioned as rear yard.
3. The application of the exception aligns with the 6-foot maximum for backyards and does not compromise public safety. The top foot of the fence is lattice as shown in supplemental photos, this provides veiled screening and a compromise between a 4.5' and 6' privacy fence. The lawn area will be surrounded by 4' fencing where there is less privacy needed.