

Proposal letter to building/zoning department, requesting a large variance for allowing a property fence to be built for the privacy of a home purchaser.

Community Development Dept
Address 1
Address 2

January 16, (Year)

Dear Community Development Department,

This proposal letter is to request and substantiate the grant of a Variance for a residence at (**Address**) in (City). The Variance requested is relatively minor, and as shown below clearly meets all of the parameters set forth in Chapter 10, section 10.68.050 of the Title to support a finding in favor of the Variance. Further, if granted, this Variance will not violate or circumvent any of the three exclusionary parameters set forth in section (XYZ).

Property Fence

The petitioner requests a Variance allowing a fence to be built around the residential property, generally following the property line, but which in one area is extended slightly so as to *otherwise encroach* into the City's right of way. This encroachment would occur in primarily one area on the West side of the property on (Street) St. The reason for following the proposed fence line is primarily to bring the property into **visual harmony** with the existing landscape and trees, allowing the fence to better blend in and visually "disappear" into the landscape.

The petitioner's equally important need for this fence is to ensure harmony and peaceful coexistence with the neighbors, with regard to the petitioner's three dogs. It has long been established that (when neighbors walk their dogs near the petitioner's current residence at (Old address)) the petitioner's dog begins barking and running back and forth along the sections of "open" wire fence that they can see through, but **refrain** from this barking where there is a "solid" wooden fence they **cannot** see through.

The proposed fence's 8 foot height is requested in order to provide both a **sound barrier** and for increased **home security**. Both of these concerns are due to the proximity of the **000 Freeway** which is only a few hundred feet away. The requested Variance would provide a security barrier and reduce the noise level in the home.

It is the *absolute* intent of the petitioner (for his own personal architectural preferences as well as the needs of the Zoning Administrator/Planning Commission) to create a fence that specifically blends in with not only the existing *landscape* and

vegetation, but is also in complete harmony with the neighboring fence types and appearances:

- The proposed fence shall be constructed of “grape stake” wood in an **identical** manner as several neighboring properties’ fences
- The proposed fence shall be finished in the **identical** manner (paint/stain/varnish, etc) as several neighboring properties’ fences
- The proposed fence shall be planted with creeping vines and indigenous vegetation to further become harmonious and blend in with several neighboring properties’ fences
- The fence **shall not** incorporate any “standout” features such as concrete pillars or visually attention-getting decorative protrusions
- The proposed fence is desired, intended, and shall be built specifically to be **unobtrusive** and “low key”, blending in with the neighborhood

Front Gate

The petitioner additionally requests a Variance allowing a front security / privacy gate to be built at the street line as opposed to the property / setback line(s). The gate cannot be built on the property / setback line because there would be no room to allow cars to be put in the driveway and easily turned around. The petitioner should not have to choose every day between parking in the street (inconvenient and undesirable) and un-necessary difficulty / inconvenience turning his car around in a tightly confined space. In *addition* to the inconvenience and burden of street parking on the petitioner, the **neighbors** would be burdened with additional inconvenience of their own, having to navigate around more parked vehicles in a quiet residential neighborhood.

There are at least **two** other houses on (Street) which have their gates against the street. As such, granting this Variance would not represent any unique or “special privilege” for the petitioner.

The requested Variance for this gate’s location would also require a minor encroachment into the City right of way on the South side of the property. The justification for this is that the proposed changes are the only way to get the gate to “work”, both visually for the petitioner’s architectural desires and for the fence line to visually blend in with the look and feel of the neighborhood. The proposed gate will be a steel frame, covered with a facade of the identical “grape stake” wooden slats as the proposed and neighboring fences. The property at (Address) was intentionally designed to present a low-key visual profile, and be as unobtrusive as possible. Both for his own needs / desires and the benefit of maintaining harmony with the neighborhood, the petitioner does not want to “ruin it” with a front gate that stands out visually or is excessively “noticeable”. Granting the proposed Variance (allowing the gate to be situated at the street) allows the proposed fence and the entire property to “fade into” the neighborhood and the landscape in a *far more* attractive and **harmonious** manner.

Support of Favorable Findings

Chapter (XYZ) sets forth the conditions under which Variances such as those proposed in this letter would be found acceptable to the Zoning Administrator / Planning Commission. The petitioner is confident that the proposed Variances fall within these guidelines, notably;

A) "...an exceptional or extraordinary circumstance..." The petitioner's desire to be a good neighbor by creating a situation where his dog barks less at pedestrians walking their own dogs, and the neighbors' desire to have a more peaceful neighborhood are enough to justify allowing the petitioner to achieve that goal in *any* circumstance. However, the fact that the property in question is an extremely large lot for (City), means this property will have a **longer** fence line (larger perimeter), creating a **greater number** of neighbors / pedestrians that would be affected by the potential of a barking dog. As such, this situation is in fact somewhat an exceptional or extraordinary circumstance compared to other properties in (City);

B) "Literal enforcement... would result in practical difficulty or unnecessary hardship" The petitioner would experience practical difficulty each and every day in maneuvering his car inside a more confined space and/or having to park outside of his home's secure zone if this Variance were not to be granted;

C) "...necessary for the preservation of a substantial property right... possessed by other property in the same district" As stated, there are at least two other houses on the same street with front gates at the street line, and those property owners are enjoying the substantial right of security on a daily basis;

D) "The granting of such Variance will not be materially detrimental to the public welfare..." the proposed Variance does **no harm** to either public or private interests, and is not injurious to any property or interest. In fact, granting the proposed Variance will serve only to create a more pleasing visual harmony, by virtue of the careful architectural design to make the fence and gate lines blend and visually "disappear";

E) "The granting of the Variance will not constitute a grant of special privileges..." As stated, there are at least two other houses on the same street with gates at the street line, and the intended fence is specifically proposed to use the **identical materials**, design, and finish as similar fences in the same neighborhood, and ;

F) "The granting of such Variance will be in harmony with the general purpose and intent of this Title..." The proposed fence and front gate are designed, laid out, and shall be constructed in a manner that achieves harmony with the neighborhood, fosters peaceful relations with neighbors, and blends in visually in a low-key, unobtrusive manner with the surroundings. As such, it is clearly in harmony with the overall intents and purposes of the Title.

Additionally, the proposed fence and gate that this Variance is being requested for **does not** encroach or infringe on any neighboring residential properties, **nor** would it impose any hardship on any neighbors, **nor** would it serve to create a situation where any

neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. Quite the contrary, the proposed Variance would allow the petitioner to become a quieter neighbor, with quieter dogs, enjoying greater personal security, and achieve a lower noise level in his home.

Photographs and diagrams in support of the requested Variance are attached hereto.

Respectfully submitted,

(Sender), Petitioner

(Address 1)

(Address 2)

(Phone)

(E-mail)