

CONDITIONS AND FINDINGS OF THE BOARD OF ZONING APPEALS

Application Number: **20211152**

Property Address: **801 E Kemper**

Date of Meeting: **September 28, 2021**

Requested Variance: **The applicant applied for a permit to install a chain-link fence in the front and side yards of the building after the chain-link fence had been installed. A variance is being requested from Zoning Code Section 153.253 (E) (5) (a), which requires all fences to be in the side or rear yards.**

(Extracted from Zoning Code Section 153.206 (B) Review Factors

Staff believes that the location of permitted wall sign area, the location of non-required stacking spaces in a front yard, and the in ability to screen an existing transformer on one side are all requests that do not violate the intent of the Zoning Code.

CRITERIA	STAFF COMMENT	NOTES
Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions.	Staff does not believe there are special circumstances.	
Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.	We believe the property will yield a reasonable return with or without the variance.	
Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.	We believe the variance is NOT substantial.	
Whether the essential character of the neighborhood would be substantially altered or whether adjacent properties would suffer substantial detriment as a result of the variance.	We believe the essential character of the neighborhood would NOT BE substantially altered.	

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CRITERIA	STAFF COMMENT	NOTES
Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and refuse pick-up	We believe the variance would NOT adversely affect the delivery of governmental services.	
Whether special conditions or circumstances exist as a result of actions of the owner	No special conditions or circumstances appear to exist.	
Whether the property owner's predicament can feasibly be obviated through some method other than a variance	Yes, by installing the new fence behind the front of the building and allowing the building to be the physical barrier..	
Whether the spirit and intent behind these code requirements would be observed and substantial justice done by granting a variance	We believe the spirit and intent behind these code requirements would NOT be observed and substantial justice done by granting a variance	
Whether the granting of the variance requested will confer on the owner any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district	We believe that granting this variance requested would NOT confer a special privilege that is denied by this regulation to other lands, structures, or buildings in the same district	
No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts		