

July 26, 2018

Sycamore Township Board of Zoning Appeals
8540 Kenwood Road
Cincinnati, OH 45236

Greetings,

We recently applied for a residential fencing permit and were denied the permit due to the location of our proposed fence. We live at 7518 Kirtley Drive. Our house is on the southeast corner of Kirtley Drive and Kanawa Avenue. What we consider our "side yard," (west side of property) is legally a front yard because it directly borders Kanawa. Across from our side yard is a tall grassy hill leading up to the property of Thomas Justin Memorial Funeral Home and their back parking lot. Our lot is 0.193 acres.

The fence we are wishing to install would include the southern half of our side yard and our entire backyard. The fence would come out from the halfway point of the garage to 9.5' away from Kanawa Ave. It will then border the street at 9.5' (bordering the Right of Way) and trace our southern property line behind our house. The final section of fence will run along our eastern property line until it turns west to connect again at the southeast corner of the house (see attached drawing). This plan violates Section 10-7.1 of the Zoning Resolution as the side yard technically counts as a front yard and therefore requires the fence to be 30' from the property line, or 39.5' from the street.

While we understand the purpose for Section 10-7.1 in the Zoning Resolution, we are requesting a variance due to the below reasons.

- **Unique physical condition** - Our home sits on the southeast corner of Kirtley Dr. and Kanawa Ave. We understand that Section 10-7.1 was most likely written with the intent to prevent across the street neighbors from looking directly at an unsightly front yard fence. However, there is no home or structure across the street from our yard on Kanawa Ave. Instead there is a grassy hill that goes up to the back parking lot and dumpster of the Funeral Home.
- **Not self created** - The area of the proposed fenced in region of the side yard is the only flat portion of the side or back yard. Without this variance, the only region of the yard where our dog and future children could safely play has a significant slope. Due to the elevation changes on our property and the location of the street compared to our side yard, this issue is not self created.
- **Deny Substantial Rights** - As stated above, the entire intent of this proposed fence is to provide a safe environment for our current dog and future children to play in. Since purchasing our home in April of 2017, our "starter home" has quickly become a home we'd like to stay in for 15+ years. This proposed fence would provide the safety our family would need to allow us to stay in this home.
- **Not Merely a Special Privilege** - Due to the location of our property and the slope of our backyard, this fence is not a special privilege to us. We believe the original intent of Section 10-7.1 was to protect the across the street neighbor from looking at an unsightly front yard fence. Directly across the street from the proposed side yard fence is the Thomas Justin Memorial Funeral Home, whom we have spoken to and approved of our fence plans. In addition, an electric fence is not an option for our family as the organization we adopted our dog from (GRRAND) does not allow the use of electric fences as they are often ineffective for many former stray dogs.

- **Must be in Harmony with Township Resolution** - Due to the statements listed above, we believe to be in harmony with the Township Resolution which was created for the below reasons.
 - *To promote the public health, safety, morals and general welfare of the Township*
 - *To help secure safety from fire, flood, panic or other dangers*
 - *To enable the Township to implement adopted objectives and policies related to land use*
 - *To facilitate implementation of Township land use plans duly adopted by the Sycamore Township Zoning Commission*
 - *To facilitate revitalization and redevelopment of blighted areas by zoning for more appropriate uses*
 - *To encourage compatibility between different proposed land uses in the Township and to protect the character of existing residential, office, commercial and industrial development areas of the Township from the encroachment of incompatible uses*
 - *To conserve and protect property and property values*
 - *To secure the most appropriate use of land and*
 - *To facilitate adequate but economical provision of public improvements*
- **Would not Result in Use or Development that :**
 - *Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;*
 - No impact
 - *Would materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity;*
 - No impact - fence will be open style post and rail fence (see attached elevation drawing)
 - *Would substantially increase hazardous conditions in the public streets due to traffic or parking;*
 - No impact, no impact to driver visibility or while rounding corner
 - *Would unduly increase the danger of flood or fire;*
 - No impact - gates will be positioned on all north facing sections allowing for quick escape from flood or fire if need be
 - *Would unduly tax public utilities and facilities in the areas; or*
 - No impact
 - *Would endanger the public health or safety*
 - No impact, will only better public health and safety. In previous cases the concern of a police officer being unable to view what lies on the other side of a front yard fence was raised. This should not be a concern with the proposed fence as it is an open style post and rail fence design which allows for direct viewing through the fence sections. If necessary, additional gates would be added if this were still an item of concern.

Thank you for your time reading this and working with us. Sycamore Township has been a wonderful home to us and we hope that we can call it our home in many years to come. We believe this proposed fence will only add to the safety and well being of family and of our neighbors, while also increasing aesthetic appeal. We would also be more than happy to landscape on the street side of the fence to further increase aesthetic appeal.

Sincerely,
 Brian and Alexandra Raderstorf
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 Cincinnati, OH 45236
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