

Staff Report A petition for a Variance to allow for a privacy fence to have the finished side facing inward.

Legal Ad

A petition for a Variance pursuant to *Article 1341.19.A* of the City of Huntington Zoning Ordinance to allow for the finished side of a privacy fence to face inward instead of toward the abutting properties in an R-1 Residential District.

The property is located at 127 Wilson Ct, Cabell County Tax District 05, Tax Map 72, Parcel 129.

Owner/Petitioner: William Chappelle, 127 Wilson Ct. Huntington, WV 25701

Introduction

William Chappelle is petitioning for a variance to allow the finished side of his fencing to face inward and leave the abutting side unfinished.

Brief timeline of events

1. Neighbor complaint received about privacy fence.
2. Internal investigation found the fence was installed incorrectly.
3. Property owner was informed that the fence was unlawful and given options to correct.
4. Property owner requested a reasonable accommodation under the Fair Housing Act.
5. The accommodation was reviewed and denied.
6. Property owner requested to apply for a variance for the fence.
7. Planner verbally denied the opportunity to apply for a variance due to lack of hardship.
8. Property owner sought and acquired a building permit from the permitting office in error.
9. Property owner erected the fence on the east side of the property incorrectly.
10. Appeal and Variance requests submitted.

11. Property owner was informed that the building permit was not valid.
12. At the January 19, 2021, BZA meeting, the Board reversed the decision made by staff and granted the petitioners a right to have a Variance hearing.
13. The Board requested information from staff and the petitioner to assist in making a fair decision on the issue.

Additional Information

Staff has confirmed that the property owners of 1848 Enslow Blvd. were approved for a six foot vinyl privacy fence in the rear yard of their property.

The petitioner has submitted a letter from the owners of 129 Wilson Ct. confirming they do not object to the unfinished side of the petitioner’s fence facing their property.

Zoning Ordinance

Article 1341.19.A requires that privacy fences shall be constructed so that the finished side of a fence faces toward abutting properties or right-of-ways.

Summary / Findings of Fact

1. William Chappelle is the owner and petitioner.
2. *Article 1341.19.A* requires the finished side of a privacy fence to face abutting properties.
3. The lot is approx. 5,663 sf.
4. This property is zoned R-1 Single-Family Residential District.

Attachments

- Please see attached Aerial map and letter from property owners of 129 Wilson Ct.



127 Wilson Court
BZA 21-A-01 - Appeal
BZA 21-V-01 - Variance
Privacy Fence Facing



To Whom It May Concern,

This letter is in regards to the 6-foot privacy fence erected on the property line between 127 Wilson Court and 129 Wilson Court.

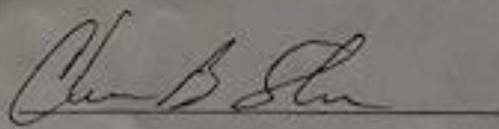
This fence was erected in collaboration with the owners from both properties. The residents of 129 Wilson Court were aware of the neighbors at 127 Wilson Court having a son, William Chappelle, with Autism Spectrum Disorder, because Charles Slash, of 129 Wilson Court, is William's respite care worker, and Jesska Slash, of 129 Wilson Court, is William's service coordinator.

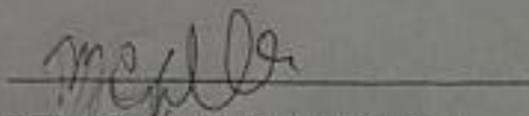
Before the fence was constructed, both neighbors planned the direction that the fence would face so that William Chappelle could be kept safe. The neighbors agreed that the fence should be constructed with the smooth side facing 127 Wilson Court. In order to construct this fence, the chain link fence belonging to the property of 129 Wilson Court had to be taken down. The residents of 127 Wilson Court and 129 Wilson Court arranged to have mutual friends remove this chain link fence.

The residents of both properties do not wish for any part of this fence to be changed.


Jessica Slash of 129 Wilson Court


Madaloyne Chappelle of 127 Wilson Court


Charles Slash of 129 Wilson Court


William Chappelle of 127 Wilson Court



APPLICATION FOR APPEAL FOR VARIANCE OF ZONING REGULATIONS

Planning and Zoning Huntington City Hall 800 Fifth Avenue P.O. Box 1659 Huntington, WV 25717 (304) 696-5540, opt 3

Applicant Name: William Chappelle Phone: 740 307 5285

Address (city, state, zip): 127 Wilson Ct Huntington WV 25701

Email:

Property Owner: William Chappelle Phone: 740 307 5285

Address (city, state, zip): 127 Wilson Ct Huntington WV 25701

Please list the Location (address) and Description (Tax Map Number, Parcel, and Lot.): 127 Wilson Ct Huntington WV 25701

Variance requested pursuant to:

Article 1341.19 and/or Figure of the City of Huntington Zoning Ordinance.

Description of the variance being requested: Privacy Fencing around backyard of 127 Wilson Ct. constructed on south side mt.

Description of property including tax map, parcel, lot number (if applicable), street address and/or other description: 127 Wilson Ct. Huntington WV 25701

Please describe the special conditions or attributes which pertain to the property or hardships for which the variance is sought (state any reason which the Board of Zoning Appeals should be aware of in forming its decision): My son has Autism, and is an elopement risk. Constructing the fence, finished side in does not allow him to have a foothold to climb the fence. My neighbor to the west (back) was constructed on white vinyl, fence directly behind my wood fence so it is not visible to him. Now child he can have a place I asked him. Fencing on the south side, woods at St. Chrysostomus, now is west privacy fence to address the planner's reason for denying (Attach additional pages if necessary) my request for a variance or reasonable accommodation due to my son's disability.

The following exhibits are to be attached and made part of this application:

- Site plan of Real Estate involved (if applicable); drawn to scale with scale shown, with direction North clearly indicated on the drawing, showing all boundary lines and placement of existing and/or proposed structures, and with all dimensions shown (setbacks, buildings, etc.).
- Valid State or Federal Photo ID.
- Any and all documentation and evidence to support the request.
- One Hundred Sixty dollars (\$160.00) filing fee for each variance sought.

All of the above documentation is to be submitted to the office of Planning and Zoning by: 12/18/20 in order to be placed on the next Board of Zoning Appeals agenda. Incomplete documentation will delay applicants review by the BZA.

I/We, the undersigned, am/are aware that a Public Hearing by the Board of Zoning Appeals will be held on Tuesday, January 19, 2020. It is my responsibility to attend (or send a representative) to the above meeting to present plans and to answer any questions regarding the request for a Variance. All meetings are held at 5:30 p.m. in the City Council Chambers of Huntington City Hall.

FOR OFFICE USE
Received: <u>12/18/2020</u>
Staff Initials: <u>PU</u>
Project Number: <u>BZA 21-V-01</u>

[Signature]
Signature of Applicant

12/18/20
Date

[Signature]
Signature of Property Owner

12/18/20
Date

**All applications to be submitted must be typed or legibly written in blue or black ink.*

FOR OFFICE USE ONLY

Board of Zoning Appeals

Approved Date of Decision: _____

Denied Conditions: _____

Planning Staff: _____ Title: _____ Date: _____