

RESOLUTION OF THE WASHINGTON GROVE BOARD OF ZONING APPEALS

APPLICATION FOR VARIANCE BY

THOMAS and MARION BROWN

16 MAPLE AVENUE

Applied: March 15, 1995
Heard: April 26, 1995
Decided: April 26, 1995

Be it resolved by the Board of Zoning Appeals of Washington Grove that:

WHEREAS, the town has denied a building permit to Thomas and Marion Brown, for the erection of a 6 foot fence along the Maple Avenue lot line, and

WHEREAS, an application was made to the Board of Zoning Appeals on March 15, 1995, by Marion and Thomas Brown, owners of the property located at 16 Maple Avenue for a variance, to permit them to erect a 6 foot fence along the perimeter of their property, specifically bordering the Maple Avenue lot line, and

WHEREAS, at the hearing on April 26, 1995, the Board heard the testimony of the owners of the subject property, considered the relevant sections of the Code of Ordinances of the Town of Washington Grove, and entered the following findings:

1. That the town has denied the applicants a building permit;
2. That the variance requests relief from the requirements of Article VII.12.2 governing the location of a building on a lot, or as applied to the specific case, the erection of a six foot fence not in compliance with town set-back requirements;
3. That the applicants, Marion and Thomas Brown, are the title owners of the property at issue;
4. That the granting of a variance in this case would not be contrary to the public interest, for several reasons, namely:

The fence would be adjacent to an unused public right of way.

The Master Plan provides for a return to natural state of the Maple Avenue right of way.

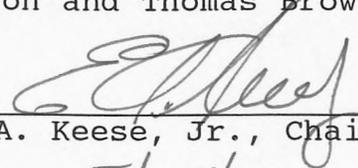
5. That the applicants would encounter practical difficulty if the variance is denied. The applicants are trying to shield their home from the extreme intrusion of light and noise in their yard generated by heavy traffic on Railroad Street. The applicants have considered a dense planting of trees along the lot line, as a buffer from Railroad Street. However, a natural barrier (such as trees) would not be as effective as an impervious barrier. In addition, it would take trees many years to mature sufficiently to be useful as a natural barrier.
6. That the condition which forms the basis for the variance arises from the lot. The applicant testified that the condition arises from the lot insofar as the subject property is immediately adjacent to Railroad Street.
7. The condition is peculiar to the lot in question and not common. The applicant testified that the erection of a six foot fence is necessary to shield their home from the extreme noise and light generated by heavy traffic on Railroad Street. Due to the site of the house on the lot adjacent to Railroad Street, the condition is peculiar to the lot in question.

THEREFORE, the Board, having balanced the hardship to the applicant if the variance were denied, with the potential impact of the fence on the town, has concluded:

That the erection of a six foot fence at 16 Maple Avenue, along the Maple Avenue lot line would have little to no impact on the residents of Washington Grove.

That without the granting of a variance, the applicants are effectively denied the full enjoyment of their home.

For these reasons, the Board has unanimously agreed to award a variance to the applicants, Marion and Thomas Brown, without any restrictions.



E.A. Keese, Jr., Chair

5/15/95

Date

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