

Case 1709

Applicant: James Shepherd
Owner: Same
Request: Three-foot, six-inch (3'-6") fence height variance
Location: 603 Molly Barr Road
Zoning: (RC) Multi-Unit Residential

Surrounding Zoning:

North: (RC) Multi-Unit Residential - Single Family residence
South: (RC) Multi-Unit Residential – Multi-Unit Condominium development
East: (RC) Multi-Unit Residential - Church
West: (RC) Multi-Unit Residential – Washington Square Condominium's

Past Zoning History: Zoning adopted in 2004
10/2005 – Case #1218 – approval of 6 residential units

Planners Comments: The subject property is a regularly shaped lot located on the west side of Molly Barr Road and measuring approximately 26,200 square feet. Approved for 6 residential units in 2005, only three were completed. The site is relatively level at the street but drops significantly in elevation to the west. The subject property is located near the intersection of Molly Barr Road and Washington Avenue. Since approval of the site plan, there have been recent improvements to both streets, including the southern extension of Molly Barr Road to Jackson Avenue.

With concerns for safety, the new owner of the remaining property is seeking a variance to erect a brick and wrought iron fence. Section 126.04 of Oxfords Land Development Code addressing fences states: *".....no fence, wall or hedge along the sides or edge of any yard which fronts upon a public street shall be over 2-feet, 6-inches in height."* Furthermore, Section 157 states: *"...no fence, wall or hedge which is also a screen located in front of any building line shall exceed 30-inches. However, fences, which allow for visibility, such as wrought iron fences, may be four feet high in the front of the front building line."*

The applicant is requesting a variance to build a brick and wrought iron fence over 6-feet in height.

A variance request may be granted under the terms of the Ordinance after the applicant can demonstrate the following:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable in to other lands, structures, or buildings in the same district;

- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- c. That the special conditions and circumstances do not result from the actions of the applicant; and
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Recommendation: Staff recommends denial of the request due to the absence of a hardship.



City of Oxford
107 Courthouse Square
Oxford, MS 38655

APPLICATION FOR VARIANCE TO ZONING ORDINANCE

Applicant's Name JAMES SHEPHERD
 Mailing Address 321 SWEETBRAR Rd MEMPHIS, TN
 Address of Property in Question 603 MOLLY BARR
 Telephone Number (s) Day (901) 859-2259
 Interest in Property Owner Leaseholder Option to Purchase Other
 Describe the Nature of the Variance PROPOSED FENCE

What special conditions and/or circumstances exist which are peculiar to the land(s), structure(s) or building(s) involved which are not applicable to other lands, structures or buildings located within the same zoning districts?

CHILD SAFETY

Describe how a strict application of the provisions of the Zoning Ordinance results in practical difficulties or unnecessary hardship?

WE ARE UNABLE TO CONGREGATE WITH OR NEIGHBORS ON OUR FRONT PATIO'S DUE TO HIGH SPEED TRAFFIC/NOISE LEVEL.

Describe how the granting of the variance will not be materially detrimental to the public welfare or injurious to adjoining properties or to the neighborhood in which the property is located.

ALL NEIGHBORING PROPERTIES ~~ARE~~ BRICK WALL EXCEPT - BURNS CHURCH AND THE ABANDONED HOUSE NEXT DOOR.

Attach a map or sketch of what you propose including applicable measurements along with a \$100.00 filing fee made payable to the City of Oxford.

Signature of Owner or Authorized Agent [Signature] Date 4/4/13

FOR CITY USE ONLY

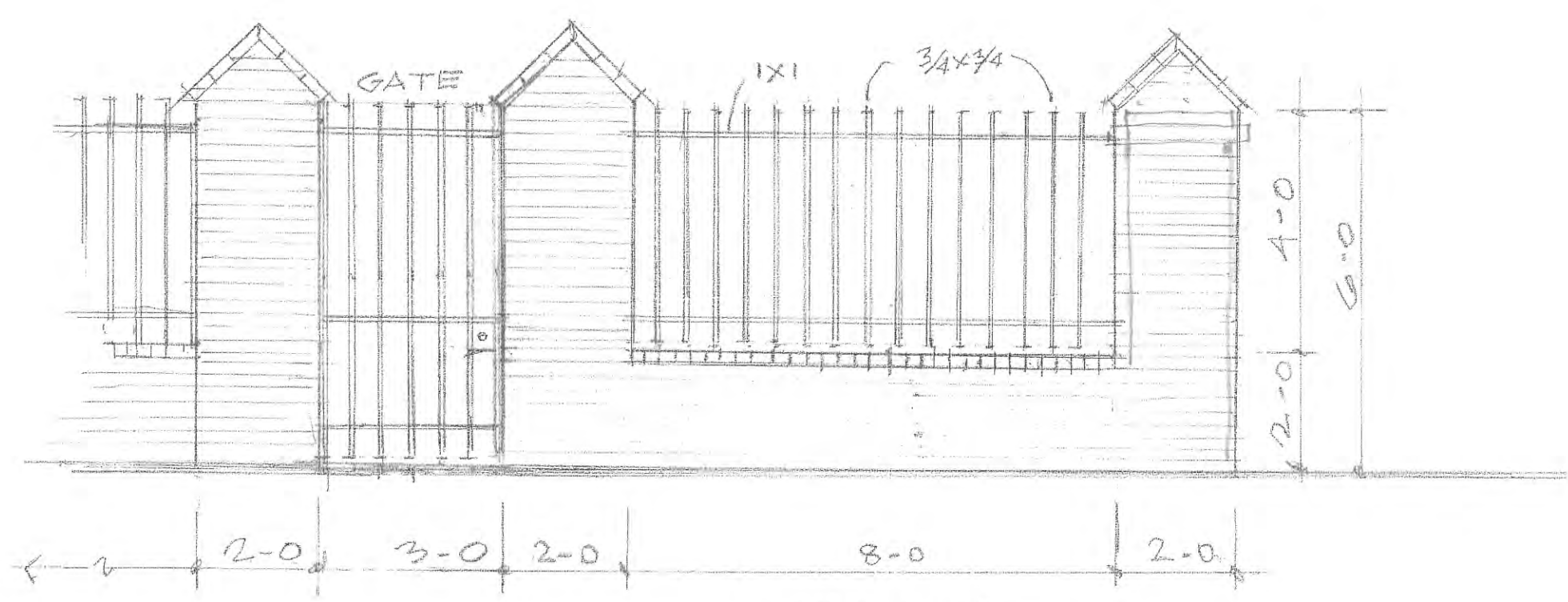
Date Filed _____ Filing Fee \$100.00
 Date of Public Hearing _____
 Decision of Board of Adjustment _____
 Effective Date _____

Zoning Administrator

Date

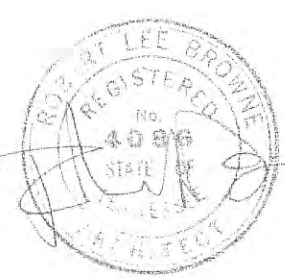
Lafayette County, Mississippi





1/2" = 1'-0"

ROBERT LEE BROWNE
 ARCHITECT 2 APRIL '13







Stone Center
662-232-2380







Burns
United Methodist
Church



