

We are respectfully requesting a variance for the installation of a fence that would permit us to construct an 8-foot fence instead of the standard height of 6 feet. Consideration for this request is based on unique hardships and conditions affecting our property, and it is not intended to set a precedent for general application but rather to address issues specific to our property. The factors we have identified and support the request for this variance are as follows:

1. Unnecessary Hardship from Strict Application

The strict enforcement of the current 6-foot fence regulation would impose an unnecessary hardship on my property by failing to address significant impacts from environmental changes. Historically, Chandlers Green was bordered by a wooded and undeveloped tract of land that provided natural sound dampening from the I-40 freeway and shielded the area light intrusion. The clearing of this area for the Weavers Grove development eliminated these natural barriers and has resulted in increased freeway noise and a rise in light pollution—not only from new neighborhood lighting but also from additional light generated by the headlights of increased traffic. Our property, which had been situated on a dead end street with a solid border fence, is now at the newly-formed entrance through street between the two residential developments. The light and noise intrusion has been exacerbated by the high visibility and activity in the area. This would be expected to further increase once the Weavers Grove development is fully built and occupied. An 8-foot fence is essential to restore a level of privacy and protection that the previous natural landscape provided, thereby mitigating these compounded hardships.

2. Hardship Arising from Conditions Peculiar to the Property

The hardship experienced is directly related to the unique characteristics of my property. Unlike other areas in the neighborhood, my property's prior forested boundary played a critical role in sound attenuation and light screening. Additionally, being situated at one of the primary entrances to the new housing development increases exposure to traffic and associated noise and light pollution. The removal of this forest and the opening of Amesbury Road has created conditions that are peculiar to my property's location and topography, which are not generally shared by adjacent properties. These specific circumstances have significantly impacted the quality of life and safety on the property, necessitating the proposed variance. The topography of our property and changes to accommodate the necessary flow of runoff into the sewer system has resulted in areas for which the installation of a 6-foot fence would not provide the security and protection afforded by the fence we currently have to enclose our pool which abuts the Weavers Grove development.

3. Non-Self-Created Hardship

The conditions that necessitate this variance did not arise from any actions taken by me as the applicant or as the current property owner. The change in the landscape—from a natural forest buffer to a developed neighborhood—occurred independently of my decision to purchase or improve the property. As such, the hardship is not self-created, but rather the result of external developments, including the establishment of a new housing development with its increase in traffic and activity. My request is solely an effort to accommodate these unforeseen changes and restore the protective benefits that the former forest provided.

4. Consistency with the Spirit, Purpose, and Intent of the Ordinance

Granting this variance will uphold the spirit and intent of the zoning ordinance by ensuring that safety is maintained, and that substantial justice is achieved. The 8-foot fence will serve as a sound barrier, reduce the impact of light pollution from both streetlights and increased traffic, and enhance the security of the property and its immediate surroundings. This adjustment is a measured response that balances the regulatory framework with the need to address the distinct challenges imposed by the transformed landscape and the unique location of my property at one of the main entrances to the development. The proposed modification is therefore consistent with the overarching goals of the ordinance, as it ensures that reasonable accommodations are made to safeguard the well-being of residents in a rapidly evolving environment. It is also noteworthy that the new Weavers Grove developers have no objections to the installation of an 8-foot fence. Furthermore, another property within our community previously secured a variance for an 8-foot fence that has already been installed. While we acknowledge that we are not requesting that this sets a precedence and that the circumstances regarding that property may be different, the Board of Adjustment did see the merit of a variance in that case. We would hope that the Town of Chapel Hill would take these factors into consideration in the spirit of consistency and fairness.