

MEMORANDUM

TO: Members of the Board of Zoning Appeals
FROM: Roger O. Freytag, Zoning Administrator **ROF**
SUBJECT: An application for Variance to construct a 5'
high fence in the front yard setback
DATE: 1 June 1989
MEETING: 6 June 1989 at 4:30 PM
MEETING NO.: 89/07

RECOMMENDATION

It is recommended that the Board of Zoning Appeals Not approve the Variance to construct a 5' high fence along Carey Street in the front yard setback at address 1004 Woodlawn Street

BACKGROUND

An application for Variance by James and Jenny Otto, Napoleon, to construct a 5' high fence along Carey Street in the front yard setback at address 1004 Woodlawn Street The Variance shall be to Section 151.27(A) of the City of Napoleon, Ohio, Code of Ordinances. The proposed development is located in an "A" Residence District.

After reviewing this request the City Staff recommends against this variance for the following reasons:

1. A board fence of any type restricts your view of a car traveling on the opposite street of which you may be traveling on, and therefore reduces the safety of the traveling public.
2. This property is located on the corner of two very busy streets, as indicated by the count done by the applicant, and therefore requires every measure of safety possible. In reference to the enclosed letter from the applicant, the safety of children is important, but a large number of citizens use this intersection also and a fence would restrict the sight distance.
3. The 3' height limitation is very important. Some small or sports cars are not 5' in height and would not be noticed by a car approaching from the opposite street. An example may be someone running the stop sign may not be seen until the two vehicles meet, leaving no reaction time for either.
4. There is limited area for child care behind the house in the area behind the required setbacks. This area is smaller but is more suitable for the proposed use.

TO WHOM IT MAY CONCERN:

VARIANCE IS BEING REQUESTED AS FENCE IS TO BE ERECTED FOR THE SAFE ENCLOSURE OF MY CHILDREN; AGES 2,7, AND NEW ARRIVAL 6-10-89. A THREE FOOT HEIGHT WOULD NOT BE CONDUCTIVE TO THE SAFETY MY CHILDREN ALLOWING FOR THE FACT A CHILD COULD SHOVE SOMETHING UP TO THE FENCE SUCH AS A WAGON OR RIDING TOY, THEN CLIMBING OVER TO THE BUSY STREET. A THREE FOOT FENCE WOULD NOT EVEN KEEP A SMALL PET IN THE YARD WITHOUT WORRY.

PRIVACY CAN ALSO BE CONSIDERED A FACTOR TAKING INTO CONSIDERATION THE EXTREMELY HIGH VOLUME OF TRAFFIC ON CAREY AND WOODLAWN. AS FAR AS THE TRAFFIC FLOW ON CAREY IS CONCERNED, I SAT AND COUNTED 250 CARS OBSERVING WHERE EACH CAME TO A COMPLETE STOP TO OBSERVE ONCOMING TRAFFIC ON WOODLAWN. NOT ONE CAR STOPPED UNTIL A GOOD 15 OR MORE FEET BEYOND THE STOP SIGN. NOW THIS IS IN VIOLATION OF NO LAW; SEE ATTACHED ORDINANCE #70.11 PARAGRAPH C.

MY SURROUNDING NEIGHBORS ARE IN NO OBJECTION TO MY ERECTING A 5 FT. FENCE; SEE ATTACHED SIGNATURES AND ADDRESSES. SOME OF THEM HAVE SO EXPRESSED A DESIRE TO CONSTRUCT A FENCE FOR THEIR CHILDREN, SO MAYBE FUTURE CONSIDERATION FOR THEIR INTERESTS SHOULD ENTER THEREIN.

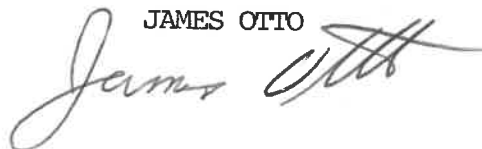
THE FENCE WOULD BE CONSTRUCTED OF TOP QUALITY PRESSURE TREATED BOARDS 1X6'S NAILED TO 2X4'S, HUNG IN BETWEEN 4X4 POSTS. IT WOULD NOT BE AN EYESORE AS SOME OF THE RUSTING CHAIN LINKS ARE ACROSS TOWN.

IN CONCLUSION I MIGHT ADD THAT I AM OPEN TO OTHER HEIGHT CONSIDERATIONS IF THIS VARIANCE IS DISAPPROVED. AGAIN I MIGHT ADD THAT THE SAFETY OF MY CHILDREN IS FIRST AND FOREMOST IN ASKING FOR APPROVAL OF THIS VARIANCE.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

YOURS TRULY

JAMES OTTO



JAMES OTTO
1004 WOODLAWN
NAPOLEON, OHIO

I THE UNDERSIGNED DO HAVE NO OBJECTIONS OR QUALMS TO THE ABOVE
FOREMENTIONED PLACING A FIVE FOOT RETAINING FENCE ON SAID PROPERTY.

James C Meyer	1015 WOODLAWN	NAPOLEON, OHIO
Samuel H. Meyer	1015 Woodlawn	Napoleon, Ohio
Dee Wilb	1009	Woodlawn Nap.
Dani M. P. ...	1005	woodlawn Nap
Ronald J. ...	1005	Woodlawn Napoleon
David L. Wilb	1009	Woodlawn Napoleon Ohio.
Nora E. ...	346	Carey Napoleon, Ohio
Amto Badenhop	1020	woodlawn Nap.

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in § 70.13, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(C) Steady red indication.

(1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in division (C) (2) and (3) of this section.

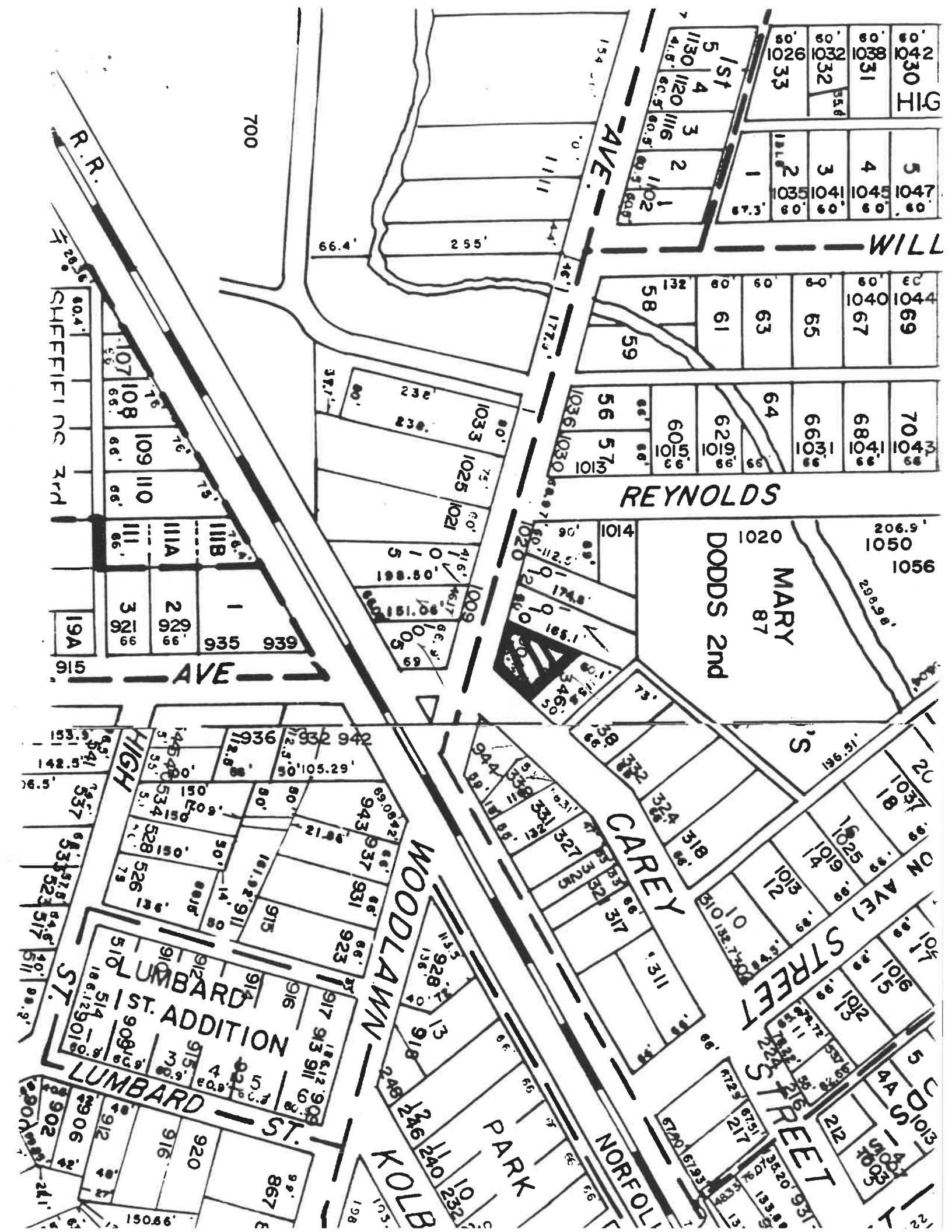
(2) Unless a sign is in place prohibiting a right turn as provided in division (C) (5) of this section, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by division (C) (1) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless a sign is in place prohibiting a left turn as provided in division (C) (5) of this section, vehicular traffic, streetcars, and trackless trolleys facing a steady red signal on a one-way street on which traffic moves to the left may cautiously enter the intersection to make a left turn into the one-way street after stopping as required by division (C) (1) of this section, and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(4) Unless otherwise directed by a pedestrian-control signal as provided in § 70.13, pedestrians facing a steady red signal alone shall not enter the roadway.

(5) Local authorities may by ordinance, or the director of transportation on state highways may, prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(D) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where



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REYNOLDS

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 DODDS 2nd
 MARY

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AVE

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HIGH

WOODLAWN

LUMBAR
 ST. ADDITION
 LUMBAR
 ST.

CAREY

STREET

PARK

NORFOLK

KOLB

ST. C

700

R.R.

CHAFFERING TRM

CHERRY

STOP SIGN

DRIVE
GARAGE

396
CHERRY

3'0" MAX
HT

3'0" MAX
HT

5'

5

30'

WOOD LAWN

