

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

- 1. Explain how the variance will not adversely affect the public health, safety or welfare.**

- 2. Explain how the variance will not alter the essential character of the general vicinity.**

- 3. Explain how the variance will not cause a hazard or a nuisance to the public.**

- 4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

Additional consideration:

- 1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

- 2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.**

- 3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?**

Variance Justification

1. This variance will allow our deck, which has already been constructed with a valid building permit to be 18 inches from the adjoining property line. The adjoining property line is an empty .4 acre lot. The variance will not adversely affect the public because the adjoining .4 acre lot is empty with no buildings. The requested variance is not a public walkway, driveway, or easement for any public or private traffic.
2. The requested variance will not change the character of the vicinity as every house on my street has a deck build on the back of the house. This project will conform to the general vicinity and character of the other shotgun houses in the neighborhood. As shotgun houses are relatively small, a deck allows more living space and is a staple in the neighborhood.
3. The requested variance will not cause a nuisance to the neighborhood because:
 - (a) It is private property, not a public walkway, or easement.
 - (b) The adjoining property is an empty lot, and I've spoke to the neighbor who is not contesting the variance.
 - (c) It will add security to my house and neighborhood with the locking gate and security light to be mounted.
4. The requested variance is not unreasonable circumvention because the deck is on my property, it is just 18 inches too close to the adjoining property. Many shotgun style houses are much closer to their neighbor's house than this deck is. The deck is even setback from my fence. It is not a building, and its setback behind the preexisting fence.

Additional Consideration

1. My shotgun house is unique from most in the neighborhood because the back door on my house is located on the side, not straight out of the back of the house like most others. The back exit door made the deck have to wrap around the corner of the house and to allow adequate space to access the only back door, the deck had to be build out a little farther than normal.
2. If the deck is built on the 3-foot setback, we would only have 2 feet of deck space off of the door, not allowing entry/exit. The back door of my house is over three feet off of the ground. Any form of entry/exit design will have to be within the setback line in order to allow for a reasonable entry/exit. To deconstruct the deck will cost a substantial sum. I am a law student and just cannot afford to tear down and move the deck back 18 inches.
3. No.