

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.

This is a busy sidewalk and pedestrian traffic causes our dogs to bark bark, bothersome to those pedestrians and our neighbors. Our desire is to minimize dogs' seeing pedestrians and reducing barking. And, yes, to enjoy our back yard without being "on display" to the heavy foot traffic.

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

Tall privacy fences exist on corner lots throughout the neighborhood, including the property at 1292 Cherokee Road (across Longest Avenue from our home)

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

Our intent is to actually reduce the public nuisance of barking dogs, while replacing an old worn out chain link fence. The fence line is not in any line-of-site for auto traffic.

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

While other tall privacy fences on corner lots may have been grandfathered in, we consider this to be a reasonable request. In addition, there are more than a dozen trees which would need be removed in order to meet the 3' setback requirement, we all know the city needs more trees.

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).

We consider the special circumstances to be the broad visibility of our backyard visible to every person on this heavily-traveled pedestrian feeder to Bardstown Road businesses.

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.

Keeping the chain link or replacing it with a shorter fence still causes our backyard activities to be on display for the many pedestrians enjoying the neighborhood and Bardstown Road merchants/restaurants.

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

No.

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MAR 13 2017