

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 fence will not adversely affect the public health, safety or welfare. It will be far enough back as to not cause any interference with drivers line-of-sight at either the intersection of S. Barbee Way & S. Shelby St nor at the Pr. Alley 15 and S. Shelby St.

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

The fence will not alter the essential character of the general vicinity, for it is replacing a similar fence that has been existing for more than 21 years. It will actually enhance the character by replacing the current unsightly fence.

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

No hazard or nuisance will be caused to the public. The fence is well behind the "stop" sign on S. Barbee Way and S. Shelby St. as well as the entrance to Pr. Alley 15, so it will not interfere with vehicular or pedestrian traffic.

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

The requested variance will not allow any unreasonable circumvention of the requirements of the zoning regulations. The fence will be securing the back yard from unwanted intrusions to the property.

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).

The variance for the fence is being requested to help with noise abatement & security. A higher fence closer to the road, along with added foliage, should help reduce vehicular noise greatly. Enclosing the back yard will be a deturent to illegal trespassing.

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.

The strict application of the provisions of the regulation would deprive our family the full use of the south side of our yard, increase noise levels, & make less secure. The fence would provide safety for our children and their friends from the vehicular traffic on S. Shelby Street

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

The current circumstances are that the current fence is old and needs to be replaced. To meet code we request the varieance. We request the variance for safety, land use, as well as to keep the essential character of the vicinity.

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PLANNING & DESIGN SERVICES

18 VARIANCE 1089