

JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.

Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes**, **No**, or **N/A** will **NOT** be accepted.

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

The fence has been on property since December 2021 with no impacts to public health or safety. There is visibility from the alley (when entering Rosedale Ave.) for vehicles to see both directions safely before entering the road. The fence is set back from the sidewalk.

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

The fence is stained and well maintained with many compliments from neighbors on the improved aesthetics for the neighborhood. It was built to match the look of fences in the neighborhood and professionally built. It is a similar height to many fences in the local area.

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

The fence enables privacy for the residents but also prevents vehicles driving by, or people walking by, from visible distractions of activities occurring on the property. The fence also stops objects (such as a ball) being used on the property from going into the street. The fence prevents animals from leaving the yard and causing disruption to people walking or driving by.

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

We hired a company to install the fence to meet local regulations, and it would be unnecessary financial burden to the homeowners to remove/lower the fence since it does not impact the public health, safety, or welfare. The local neighbors are not impacted by the fence.

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

There are not special circumstances that require a variance, but we do occasionally have animals on the property to benefit from a higher fence to avoid distractions from the road (Rosedale Ave.).

6. 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.

We hired a company to install the fence to meet local regulations, and it would be unnecessary financial burden to the homeowners to remove/lower the fence since it does not impact the public health, safety, or welfare. The local neighbors are not impacted by the fence.

7. Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?

No, the circumstances are not the action of the homeowner. The hardship was not self-created as a result of using a professional fence construction company to build and install the fence. We relied in good faith they would know the local requirements and regulations.

RECEIVED

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PLANNING & DESIGN

To whom it may concern,

We are submitting for a variance to section ZV_032 of the Land Development Code for a fence that was installed in December 2021. We were not aware of the requirement that we could not exceed 42 inches in height. If we would have been aware we would have submitted the variance request before installing the fence. Before installing our fence, we spoke with our immediate neighbors to ensure we were not going to impact them, and we described the appearance of the fence we were building and how it would match the aesthetics of the surrounding area. They did not have issues with the installation of the fence.

We moved into this house in 2019, and we noticed that we would like to have a privacy fence for our backyard to create more of a space that we could use, and to enable more space to have our pets outside without worrying they would go into the street. The fence stops objects (such as a ball or frisbee) being used on the property from going into the street. It was built professionally to make sure the appearance would not bother our surrounding area. It is a similar height to many fences in the local area. We have made sure the fence is stained and well maintained with many compliments from neighbors and people walking on Rosedale Avenue.

We have really enjoyed having the fence at its current height to enable more use of the property. We request approval of the variance request based on the facts detailed in this letter and our application. We are available to discuss any questions from the Office of Planning for Jefferson County.

Thank you,

Steve and Maria Hone



25-VARIANCE-0118