

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with

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the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

Variance Justification:

PLANNING & DESIGN SERVICES

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.
Allowing a second handicap bathroom on the side of the house will not adversely affect public health, safety or welfare. The proposed bathroom has no impact on others and affords the owners who are retired to obtain a handicap accessible bathroom which in turn provides the opportunity to remain in the home as they age.
2. Explain how the variance will not alter the essential character of the general vicinity.
Most of the homes on Wentworth were built on single lots and have very limited yard area. The owner's lot is a lot + one half providing both greater yard space both between the structures and between the houses. The essential character of the general vicinity is not altered in anyway by this proposal.
3. Explain how the variance will not cause a hazard or a nuisance to the public.
The proposed location of the handicap bathroom will not cause a hazard or nuisance to the public. Adequate yard space remains in both the backyard and side yard - more than most homes on Wentworth Ave.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.
The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The 30% requirement is met using the extra half lot which most of the houses on Wentworth do not have. Access is not impaired in anyway. Lastly the addition of a handicap access bathroom for old age is eminently reasonable for an old neighborhood that did not foresee these requirements at the time
 Additional consideration: *of construction.*

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).
The owners home was built without an indoor bathroom and when one became necessary a bathroom was fitted in an old stairway to the attic. Though functional it is extremely narrow and would not accomodate any disability requiring a walker or wheelchair or the assistance of a home health care assistant. There is just no room.
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.
If the owners were not allowed to add the proposed bathroom they would not be able to remain in their home if either suffered even a minor disability. The owners seek to remain a stable part of this neighborhood.
3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?
In 2002, the owners did not foresee the need for a handicap bathroom but did have a need to maximize the allowable space for a two-car garage with access to the upper level. The two car garage though needed took up some of the yard area. The owners feel that since most homes on Wentworth do not have side yards or as much space as a lot and one-half affords, the existing yard space meets the spirit of the regulation of adequate yard area.

Certificate of Land Use Restriction