

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.

This variance submission is to allow the privacy wood fence to be 72 inches high maintaining the current 24 inch setback. The height of the fence provides better protection and privacy to future users of the premise and also for adjacent neighbors. Additional explanation and reasoning to justify approval of the variance is provided in the attached letter of explanation.

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

The new wood fence replaced an old chain link fence which was damaged on multiple sections by car accidents and fallen branches. The fence allows for storage of trash containers so they are no visible to the public and traffic from Baxter Avenue. The design is clean and simple and is an improvement to the the property value and neighborhood cleanliness.

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

We frequently encountered homeless people sleeping in the backyard before the fence was built. The previous fence was too short and easily jumped over. Neighbors have provided positive feedback on the improvement and the design of the new fence.

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

We are not requesting a zone adjustment just acceptance of the 72 inch height and 24 inch setback. Adjacent property on Baxter avenue has an existing fence higher than 72 inches and 32 inches setback

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

We are not aware of when or why the 42 inch fence height limit was established. We do not know what purpose or safety concern it addresses at our specific location. It is likely a legacy code that has not been reviewed or updated recently.

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 need to be able to provide privacy in the backyard from pedestrian traffic, safety at night from unsheltered people, reduce noise from fast moving traffic, and more robust protection from potential car accidents driving on Baxter avenue. We are trying to provide tranquility and peace of mind to future residents and adjacent neighbors.

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

We don't know when the height and setback regulation was adopted. Fence was built on the same line where the old fence was. Generally, a 72 inch high fence in a backyard is acceptable for residential applications.

RECEIVED

JUN 23 2026

OFFICE OF PLANNING

26-VARIANCE-0077