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PLANNING &

DESIGN SERVICES

**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.**

The encroachment into the side yard will not affect the public health, safety or welfare b/c the encroachment is a dimensional variance that affects a under-construction home and the materials are brick and concrete that are typical for residential construction.

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

The encroachment will alter the essential character in the general vicinity, however the encroachment will not affect the property/existing house to the south b/c there will still be a distance of 8' from the two houses

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

The encroachment into the side yard will not cause a hazard or a nuisance b/c the encroachment is a dimensional variance that affects a under-construction home and the materials are brick and concrete that are typical for residential construction.

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

The variance was created b/c there was a slight deficiency during the construction, however there is an 8' separation of the two structures.

*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 was created b/c there was a slight deficiency during the construction, however there is an 8' separation of the two structures.

**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 variance was created b/c there was a slight deficiency during the construction, if the variance is not accepted / approved the builder and homeowner will have to reconstruct the home and incur the hardship of the cost to rebuild the house.

**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 variance was created b/c there was a slight deficiency during the construction, however there is an 8' separation of the two structures.

VARIANCE 1010