

Variance Justification:

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

There is no public health, safety, or welfare issue or concern affecting our neighbors. The intention was to maximize the usability of our yard and create a safe, secure, and private yard for our family and our pets.

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

The fence has the same height and characteristics of other street facing fences in the neighborhood; please see attached pictures of evidence. The fence is not affecting or restricting the public use of right of ways. See attached pictures of our property.

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

There is no public hazard or any nuisance to the public; the fence is not affecting the public right of way, sidewalk, or restricting access to public grounds in anyway. See attached pictures of our property.

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

We are a corner lot so the rear yard is very small. We didn't know that there were height restrictions on a back and side yard. Our intent was to maximize and create a beautiful, secure and safe outdoor space for our family and our pets so we mimicked the fencing structures of neighbors. See all attached pictures.

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).

We are on a corner lot with a drainage easement thus causing the yard space behind our home to be very small. Therefore, we looked to hire a Professional Fencing Company and fortunately we were referred to one had installed fences in our area before, so relied on their guidance and expertise to create and maximize our outdoor space. We asked them to create a beautiful, yet secure and safe outdoor space for our family and our pets as we live on a highly traveled corner lot. They measured, drew up the proposed fence, we agreed and signed the contract. There was no indication to us that the Professional Fencing Company was not including considerations of all the applicable codes.

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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 function of the fence is two-fold, it was built and installed so 1. we could maximize our utilization of our outdoor space and 2. ensure privacy and safety while enjoying our beautiful yard. The safety and well-being of our family and pets is imperative as we are on a highly traveled corner lot. The sturdiness and safety features of the fence does not lend itself to a simple solution, therefore it would have to be completely removed, new materials ordered and a new fence built with new posts, new slates, materials and of course labor costs. To address the fence height now would cause considerable monetary and unnecessary hardship to us. The cost to have the fence professionally built and installed was \$7003.00 and we were able to acquire financing for a large portion of this amount. To remove the fence and build a new one would cost more than \$3,200.00, which we would need to qualify for more financing. Attached is a picture of the fence post and interlocking slates that show the fence material is not adjustable or able to have its height altered.

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

Yes, however we were under the assumption this entire area was our rear and side yard. The Professional Fencing Company we hired was to ensure all permits, regulations, etc. were adhered to and we would pay all additional fees for necessary permits. At no time on May 10, 2016 during the planning and measuring session or August 18-20, 2016 during the building and installing of the fence did the Professional Fencing Company indicate, question, or raise a concern about the fence height or placement. We had no idea it was not within Code and Regulations. In addition, given the fact that there are other homes in the neighborhood that have street facing 6-foot fences we did not raise a concern or question what the Professional Fencing Company measured, built, and installed. We trusted they were extending their knowledge, work ethic and professional expertise to our project.

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