

**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.**

Increasing the height of the fence 2' in order to restrict view of 5 story Cityscape apartment complex (approved 15ZONE1070) directly across Simcoe Ln. No affect on health, safety or welfare

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

Outer Perimeter of Village of Hartwick currently has both 8' and 6' fences. Adjoining Springhurst Villages, also have 8' perimeter fences. There is no change to the character of the general vicinity.

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

Simply replacing the current 6' fence which has been in existence since 1996. No hazard or nuisance will be created. In fact increasing the fence to 8' directly in front of Cityscapes apartments is intended to reduce noise and sight nuisance.

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

All other surrounding perimeter fences are 8', which is the standard for Springhurst Community Association. Village of Hartwick backs up to a well traveled street (Simcoe LN) without any direct access from/to Hartwick Village.

*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 approved variance of the 5 story Simcoe Ln (Cityscapes) Apartments is directly across the street from Hartwick Village. The apartments will have an imposing building overlooking the neighborhood. An 8' fence reduces the line of sight from Harwick Village backyards to the third floor of apartments

**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.**

Without approval Hartwick residents will lose privacy with 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> floor balconies of Simcoe Ln Apartments overlooking the back yards. There will be additional traffic noise. Since the original Hartwick development in 1996, additional office and clubs facilities have been approved increasing traffic on Simcoe Ln. Both of these factors will decrease eniovmnt of neighborhood back vard livina.

**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, the original perimeter fence was installed in 1996 with the original development. At that time there were only 3 single family homes across Simcoe Ln. Those homes are being replaced with a 5 story Apartment Building. This is in addition to other office complexes and clubs planned or already occupied. Simcoe Ln has become a major commercial street.

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