

## 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.

Fence and Pool cited are both well maintained, neither have any effect on public health, safety or welfare due to regular upkeep. Pool is used regularly in season and fence is stained and checked for decaying or loose boards/nails annually.

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

The variance will allow privacy fence and pool to remain in their current location where they have been for more than 11 years.

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

Granting a variance prevent the need to take down a 72ft 11 year old fence and above ground pool. The process of removing could create a hazard or nuisance during the process.

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

Both the fence and pool are located in what are considered side/front yard. The residence has no "backyard". Both are between 2 properties and sit 732ft from the street. Neither distract or interfere with public safety.

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).

Corner residence does not have a backyard only a side yard therefore any family or personal use of residence yard occurs in side yard. The fence provides some privacy from street and there is no other place to have pool.

### 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. - see above

Removing fence and pool after so many years would be of significant cost. It is possible neither could be salvaged. Estimated cost  $\geq$  10,000. on a personal note my husband and I

worked on the fence together. I recently lost my husband and I have emotional attachment to both structures.

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

Both structures cited have been present in their current location  $\geq$  11 years. The privacy fence was erected in the same area as an aging chain link fence that required removal for safety reasons. The chain link fence was present @ purchase 10 years prior. The pool installation crew determined pool location away from homes and to prevent disruption of yard drainage.

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