

**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 proposed variance would allow the property owner to replace their current fence to add more safety not only to the owner's children but all other kids from the neighborhood. We recently had teenagers jumping from the branches of three of the trees that are currently outside of the fence but within our property line. The same teenagers even threatened to kill our dog and shoot my husband while we were trying to get them to leave our property. We also had intruders in our backyard as it is completely exposed on the side. With this new fence at a 6 ft height we will be able to stay away from this situations and eliminate the hazard of a kid falling, robbery, etc. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is locattd.  
We have solicited and received a support letter from four (4) adjacent neighbors and a few others within 300 ft. of the property.

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

We believe our fence would still be in character with the surrounding homes along Carmil drive, Analisa drive, Kimberly way, Carmil ct and Marylee Ln. You can observe at least 5 houses on our neighborhood on the same type of corner lot that have currently 6 ft fences on the sides.

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

There is no record of a nuisance created by the original fence or contributions to vehicle crashes or cited offenses. The replacement fence would not cause a nuisance to the adjacent property, provided they follow all other regulations.

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

The requested variance will allow us to enclose the patio for safety and will be in harmony with the purpose and intend of this zoning regulation and will not be injurious to the neighborhood or the general welfare.

*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).**

Having three trees exposed attracts trespassers, and vandalism. We also have many new neighbors due to new constructions and many walkers around our yard.

**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.**

Approval of the variance would not confer a special privilege, it would not have any negative effect on the adjacent properties and the surrounding neighborhood. Rather, will have a positive effect on the property in both aesthetic improvement and value as a modern appealing addition. Denial of this variance would pose an additional burden on the owner to remove the existing partial side fence, it would result in undue hardship as the cost already invested in materials and labor is of significant cost. We purchase this home in grand part because of the rear outdoor space and upon moving in and recent events that even involved creating a police case report we started plans to build a safer more private fence. As mentioned other properties in the immediate area have similar fences on the same type of corner lot.

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

We were unaware of the regulations regarding the fencing on our corner lot.



21 - VARIANCE - 0138