

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 fence is in the back yard. It harms no one. It is essentially hidden from view by the public.

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

The existing fence adds to the character of St. Matthews. It is a beautiful fence. There are many fences in St. Matthews that exceed the 7 foot fence allowance. No one has complained about the fence since it was built in early 2009, about 8 years ago. The code inspector from Saint Matthews approved of the fence in 2009 as it was being built. He also said that it was a beautiful fence!

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

It is mainly seen by my husband and myself, along with two adjacent homeowners. The two adjacent homeowners love the fence and it gives them privacy, which people in this area value.

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

See attached statement. The fence is very reasonable for the area that it serves. It is also not uncommon to see tall fences in this area.

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).

See attached statement.

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 attached statement.

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

N/A

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