

**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.**

This variance will have no effect on the public health, safety or welfare of anyone in my neighborhood, city or state. A 4- board rail fence was built on my property in May. The fence sits well behind all easements. I built the fence to protect the health and safety of my own family, I have two boys who play in our yard frequently. Due to increased vehicle traffic, it was no longer safe for them to do so without a protective barrier, such as a fence.

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

This variance will not alter the character of my neighborhood or the general vicinity. Many of my neighbors have fences and arbors that are made of pallets, wire and are well over the city's height ordinance. My fence was designed to be non-intrusive and match the character of the neighborhood, as several properties in my neighborhood have the same style fence.

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

The variance will not cause a hazard or a nuisance to the public in any way. If anything, the fence will help keep hazards and nuisances off of my property. The fence sits well behind all easements and is not built on top of a hill. I have spent many hours beautifying this home that once sat empty for many years. I have installed a pollinator habitat garden, planted native plants, removed invasive and harmful species of honeysuckle and ivy from the property and removed overgrown shrubs that caused a visual nuisance and safety hazard for my neighbors.

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

This variance will not allow unreasonable circumvention of the requirements of the zoning regulations. My fence was slightly over height in some spots due to steep changes in the grade. It is hardly noticeable. The arbor that I have on my property is similar to many others in my neighborhood and is not connected to my front gate as the city notice suggests.

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*Additional consideration:*

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**1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).**

PLANNING & DESIGN SERVICES

My house is built on a very steep hill with many old trees and tree roots to navigate around. Much consideration and planning went into the construction of the fence itself to ensure visual aesthetics and line of sight due to the house being a corner lot and on a hill. Because of the steep grade, type of fence (4- board rail) and consideration of the aesthetics of the neighborhood including not removing precious canopy trees, parts of the fence have slight variances in height.

**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.**

My house is built on a corner lot. Our street is a cut through between Kenwood Road and New Cut. Many people drive down our street to avoid the busy traffic intersection at New Cut and Kenwood. Cars often speed down our street. I have two small children and many gardens I tend to in order to feed my family and beautify the neighborhood. A fence is necessary to protect my family and my investments.

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

My contractor consulted Metro Planning prior to the construction of the fence to ensure that 1) I was within my right as a property owner to have one built, and 2) double check code regulations. I scrapped my initial design of a picket fence, and spent more money for a 4 board rail fence to make sure that my fence would not cause any visual intrusion on my neighbors as a rail fence is more see-through than a picket. It was never my intent to build a fence that was purposely over-height. As mentioned, it is only sections of my fence that are slightly over height due to the geographical layout of my property.