

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 artistic fence does not interfere with walkways or roads, is set a distance of at least 45" from sidewalk and solar lights will illuminate that walkway.

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

It will not interfere with walkway. It will improve the general appearance of the area. It will illuminate sidewalks from solar post caps.

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

The artistic fence will be set at least from sidewalk, set at least from Morgan St. and set back at least from Shelby St. intersection with Morgan.

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

The general rule of privacy fencing being spaced four feet from sidewalks was the basic understanding for the placement. Roots, rocks, and other practical concerns necessitated a slight variance. Any other "setback" was unknown.

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).

A 48" fence existed in the same placement since the early 1990's. The approximate 7' fence will allow for private job training for ex-felons and the mentally ill, part of the Louisville Center for Equal Justice's mission.

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.

It would require the removal of long-standing trees or the deprivation of privacy for the property and the above stated mission. The deed states that my property extends to the edge of Morgan St.

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

At the inception of construction, the language published was restricted to "back and side yards" and later changed ~~to~~ to "back" and more restrictive for "side street yards". 6ft vs. 8ft, being the distinction