

**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.**

Deck will be built to all applicable building codes. Deck is 15' 6" from street and poses no risk to traffic or pedestrians.

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

The deviation from setbacks of adjacent property will complement and not detract from the overall aesthetics of the neighborhood.

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

Deck is 15' 6" from street and will pose neither a hazard or nuisance to the public. The scale of the deck (300 sq ft) will limit its use to small gatherings. It will be accessed from the rear of the home and stairs from driveway.

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

The variance will allow only the building of a 300 sq ft deck for family and friend gatherings. The home was built in 1938 and current zoning codes would preclude not only the proposed deck but the extent of the home itself. The building of the deck would be a reasonable and appropriate use of the land in relation to the existing home.

*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).**

The historic lot configurations of the Bon Air neighborhood are long and narrow. The existing side setbacks and existing garage would prevent the building of any additional structures.

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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.

Current provisions would prevent the building of any deck due to the adjacent principal building setbacks. The proposed deck would complement both the home and the neighborhood. Preventing a gathering area behind the home in the form of a deck limits the use and enjoyment of the home as well as impacting its value.

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

No, all current structures on the property were built prior to the introduction of the Land Development Code.



## Certificate of Land Use Restriction

Name and Address of Property Owners

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Address of Property

Name of Subdivision or Development (if applicable)

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