

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 maximum allowable height of a fence on the street side of the property is 42" (3.5ft), a variance to allow for a five foot fence will provide additional security for the homeowners and for the public on the sidewalk should the homeowners own dogs, which I do.

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

A five foot tall iron fence will enhance the character of the general vicinity, it's appropriateness has been approved by the Historic Landmarks and Preservation Districts Commission, case no. 20-COA-0086 with the requirement to contact the Dept. of Inspections Permits, & Licenses.

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

The replacement of the old 6 ft privacy fence with a 5ft iron fence will be less of a nuisance, it will be new and less of an eyesore. The additional height will not be a hazard or nuisance to the public, rather it will be a benefit by replacing and old fence & opening up sight lines.

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

Security is a consideration on the street side of the property, a variance will facilitate security by permitting a taller fence.

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 property is also bordered by an alley which can have a good amount of foot traffic and illicit goings on, a five foot tall iron fence will provide better sightlines to the alley and additional security.

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.

The proposed 5' fence will enclose the residences backyard, their private yard area. It would be a hardship for the home owner to enclose their back yard with a short fence that does not provide security for their family pets & themselves.

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 the circumstances do not result from my actions subsequent to the adoption of the regulation.

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