

JUN 14 2021

PLANNING & DESIGN
SERVICES**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 variance is simply to allow an open gazebo on a fabricated wood slightly raised (3 inches to allow for mowing) platform to be constructed to the edge of the property line, which is still 26 foot from Florida Road.

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

This open gazebo will enhance the property, its value, and the overall aesthetics of the vicinity. Previously there was a carport in the approximate same location that was attached to the garage and a safety hazard, as the room was collapsing, so this is to replace the fallen down carport, and is better looking and classier, thus enhancing the character of the area.

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

The variance to allow the open gazebo and platform to be built will not cause a hazard or nuisance to the public because it will stay 100% on my property, and due to the easement including 26 foot of land from Florida Road to my yard.

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

There are only 2 properties within the surrounding blocks with a property line 26 foot from the road (due to a 26 foot easement). The original sidewalk on the side of the house is inches from being over the property line. Most property lines are within 2-3 feet from the road on the sides. I cannot foresee any detriment to the city of Lyndon having a gazebo 26 foot from the road, where the entirety of the structure is located on my property.

*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).**

This is a special circumstance in this general vicinity due to the fact that my property line is 26 foot from Florida Road, where in the surrounding area, property lines are 2-3 foot from the road. The structure would still be 100% on my property, and still plenty of space from the road, as the full 26 foot easement would be between the built structure and Florida Road.

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.

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The majority of the side yard is easement land, therefore, the structure of the gazebo would not have the space to be fully built with the platform and keep the 13 foot regulation between the edge of a structure and the property line. This gazebo is intended to give a shady space outside after the carport had fallen down and therefore been removed.

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.

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Checklist:

Please submit the completed application along with the following items:

Project application and description

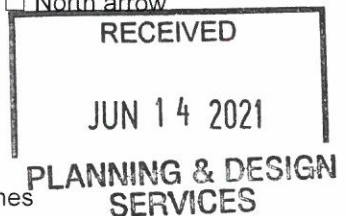
- ☐ A copy of the current recorded deed² (*must show "End of Document" stamp on last page*)
- ☐ Legal description on a separate 8.5 x 11" sheet of paper

Site plan, drawings, and photographs

- ☐ One elevation drawing for new construction (including home additions, garage additions, and fences)
- ☐ One copy of the site plan or building rendering (whichever is applicable), including the following elements. LOJIC maps are not acceptable. *See site plan example on the last page.*
- ☐ Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]

- ☐ Vicinity map that shows the distance from the property to the nearest intersecting street ☐ North arrow

- ☐ Street name(s) abutting the site
- ☐ Property address, parcel ID, and dimensions
- ☐ Building limit lines
- ☐ Electric, telephone, drainage easements with dimensions
- ☐ Existing and proposed structures with dimensions and distance from property lines
- ☐ Highlight (in yellow) the location of the variances



Supplemental documentation

- ☐ A copy of Refusal Letter from citing official, if applicable (**required** if a STOP WORK ORDER or CITATION has been received)
- ☐ If the proposed structure encroaches into an easement (MSD, LG&E, or Bell South), then the applicant must submit written documentation from the utility company indicating approval for the encroachment

Mailing labels to notify Adjoining Property Owners (APOs) ³

- ☐ One set of legible mailing label sheets for: 1st tier APOs and those listed on the application
- ☐ One copy of the APO mailing label sheets

Requirements for Non-Public Hearing Applications Only

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