

TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

	Check as Applicable	VARIANCE STANDARD
Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code	☐	(Use) Unnecessary Hardship
ADDITIONS & BUILDINGS: <i>(Complete Building Permit Application)</i>		
Rear, side & front setbacks	☐	(Area) Practical Difficulties
Coverage (>28%)	☐	(Area) Practical Difficulties
DRIVEWAYS: <i>(Complete Building Permit Application)</i>		
Width	☐	(Area) Practical Difficulties
Distance from property line	☐	(Area) Practical Difficulties
Circular if lot width is <90'	☐	(Area) Practical Difficulties
SIGNS: <i>(Complete Sign Permit Application)</i>		
Area allowed (maximum sq. ft.)	☐	(Area) Practical Difficulties
Height	☐	(Area) Practical Difficulties
Front setback	☐	(Area) Practical Difficulties
Lot width <100'	☐	(Area) Practical Difficulties
Number of items of information	☐	(Area) Practical Difficulties
On side of building	☐	(Area) Practical Difficulties
FENCES: <i>(Complete Fence Permit Application)</i>		
Height or Openness	☒	(Area) Practical Difficulties
Front Yard (in setback)	☐	(Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: <i>(Complete Accessory Structure Permit Application); Detached Garages:</i> <i>(Complete Building Permit Application)</i> <u>Note:</u> <i>Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</i>		
Height	☐	(Area) Practical Difficulties
Setback from property line	☐	(Area) Practical Difficulties
Square footage	☐	(Area) Practical Difficulties
Air Conditioners and Generators: <i>(Complete HVAC Permit for A/C or Electrical Permit for Generators)</i>		
In side yard <10' from property line or in front yard	☐	(Area) Practical Difficulties
Parking: <i>(Complete Building Permit Application)</i>		
< the number of spaces required	☐	(Area) Practical Difficulties
Setback from property line	☐	(Area) Practical Difficulties

PRACTICAL DIFFICULTIES

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

R.R.C.O. 1133.17(c)(1). In order to grant an area variance, the following factors shall be considered and weighted by the Board of Appeals to determine practical difficulty:

- A.) Describe what special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other land or structures in the same zoning district (i.e., exceptional irregularity, narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions).

The rear yard is exposed to a neighboring property that reduces privacy for the neighbor and my family.

Our rear neighbor is constructing an outdoor patio and we desire as much privacy as possible for both us and them. A 6 foot nontransparent fence will provide a reasonable level of privacy and security that cannot be achieved with a fence strictly following the zoning requirements. The new rear fence will be comparable in height and type with the existing fence.

- B.) Explain whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance (discuss use limitations without the variance).

The property can continue to be occupied as a residence without the variance; however, strict compliance with the zoning requirements will prevent us from making a reasonable improvement to our property. The variance is necessary to allow reasonable beneficial use of the property.

- C.) Explain whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures (demonstrate how much the variance request deviates from Code requirements, i.e., coverage is 1 or 2% above Code, or setback is 1 or 2 feet less than Code requirement).

Granting this variance will represent the minimum relief necessary to address the practical difficulties associated with the property. The requested height variance is limited to what is reasonably needed to achieve a reasonable degree of privacy and enjoyment of the property.

- D.) Explain whether the essential character of the neighborhood would be substantially altered and whether adjoining properties would suffer substantial detriment as a result of the variance (discuss the increase of value, use, and aesthetic appeal for both your property and adjoining properties, together with any negative impact to adjoining properties).

The proposed fence will be designed and maintained in a manner that is aesthetically compatible with the neighborhood. It will not negatively affect neighboring properties. This brand new fence will increase the value of our property and adjoining properties.

- E.) Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup.

The variance will not adversely affect the delivery of governmental services.

- F.) Explain whether the property owner purchased the property with knowledge of the zoning restrictions.

We purchased the property without knowledge of the zoning restrictions. Our assumption was the existing 6 foot fence was in compliance with zoning restrictions.

- G.) Explain whether special conditions or circumstances exist as a result of actions of the owner.

No. The special conditions and circumstances affecting the property were not created by us.

- H.) Explain whether the property owner's predicament feasibly can be obviated through some method other than a variance (why other means and methods of property improvements or enhancements would not suffice).

Granting the fence variance will provide a reasonable level of privacy and security that cannot be achieved with a fence of the permitted height. There is not a comparable way to provide the same privacy that a 6 foot, non-transparent fence will provide.

- I.) Explain whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance (discuss the positive impact of your improvement on your property and on the surrounding neighborhood).

The spirit and intent behind the zoning requirement will be observed by granting this variance. The proposed fence will be designed and maintained in a manner that is aesthetically comparable with the neighborhood. It will maintain and enhance the value of our property and surrounding properties.

- J.) Explain whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Granting the variance will not confer any special privileges upon us. Granting this variance will represent the minimum relief necessary to address the practical difficulties associated with the property.

- K.) Explain whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

The property's proximate location to the rear neighbor's newly-constructed backyard patio creates circumstances that are not generally applicable to surrounding properties. A literal interpretation of the provisions of the code would deprive us of certain privacy that we currently enjoy and that cannot be achieved through a fence that meets the current zoning requirements.

PLEASE NOTE: A separate Permit Application and fee will be due prior to issuance of the Building Permit. NO CONSTRUCTION IS TO BEGIN until the Building Permit has been issued.