

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number \_\_\_\_\_, and  
name of contractor \_\_\_\_\_

No.

Prerequisites to granting of variance:

A variance may be granted when it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to authorize any variance from the terms of this chapter, the Board of Adjustment shall find all of the following factors to exist:

(1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification:

*See attached Exhibit A Item 1*

(2) That the special conditions and circumstances do not result from the actions of the applicant:

*See attached Exhibit A*

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings or structures in the identical zoning classification:

*See attached Exhibit A*

(over)

(4) That literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant:

*See attached exhibit A*

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(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

*See attached exhibit A*

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(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

*See attached exhibit A*

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I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant

*Dave*

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Signature of planner

*Paul Body*

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## **Exhibit A**

### **Response to Variance Hardship worksheet for justification of Application**

**Applicant Response Question 1.** Special conditions exist that are not the fault of the applicant: the variance is needed for a number of reasons. Primarily variances are needed in order to enhance safety and security. A taller wall ensures better protection for children and pets, reducing risk of accidents, serious injury and potential for accidental death from cars that might run into the property. The structural layout of the property is unique in that it has a mothers quarters located front of the property which is close to the protective wall. Grandparents, and young children who stay in the cottage walk and ride bikes and play in front of the property. What led me to even have the issue of having to rebuild the wall in the first place is that an intoxicated driver grazed the wall at high speeds causing a 10 feet hole in the wall and knocking over several neighbors' mailboxes.

Another reason for increased wall height includes noise reduction. A taller wall mitigates noise pollution. Taller walls can help mitigate noise pollution from surrounding areas, creating a quieter and more peaceful living environment for residents. This holds more importance for those living in the cottage located in close proximity to the street. Privacy, A six-foot wall enhances privacy by blocking views, maintaining personal space, and deterring trespassers, or unwanted onlookers fostering a sense of seclusion. My son has to catch the school bus 5 days a week in front of busy thorough fare, the less people who can view him the better for his safety.

### **Applicants Response to Question 2.**

As Explained in Response to Question 1. The action by the Applicant was completely in accordance with what could be reasonably expected of a Homeowner.

### **Applicants Response to Question 3.**

I purchased the property in 2017, and as such it is impossible to make major revision to my houses and property. The applicant's home is an older home that was built in the 1980's. There are a couple homes north of me that have similar wall structures that are the same height as the height which I am requesting.

### **Applicants Response to Question 4.**

This response to this question is more fully addressed in Question 1.

**Applicants Response to Question 5.**

Building the wall will not infringe on property layout since it will be a rebuild on an existing structure.

**Applicants Response to Question 6**

The request made to the committee is to build a 6-foot wall instead of a 4-foot wall. One of my neighbors has waved any objections to the wall being built. I attend to get the other neighbor's consent by the time of the official meeting with the county. I do not anticipate any objections and will notify the variance board once obtained. By the time of the meeting, I will have copies of their consent for the wall.