

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number 24-CE-02014, and

name of contractor UNKNOWN WORK WAS DONE prior to my ownership.

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:

The existing structures except for one were built by a previous owner before we purchased the home. And was unaware that permits had not been obtained. The placement and structures follow the natural layout of the property and removing or relocating them would create unnecessary hardship.

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

The unpermitted work was done by the prior owner before we bought the property. We relied on regular inspections during the home purchase and was never informed of any violations. We have acted in good faith since discovering the issue and now working to bring everything into compliance properly.

(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:

If you stand on the corner of our property and look at the immediate surrounding five, six or more houses you will notice that their fences are of the same height or even taller. We went out there with our neighbors to check. Our property sits on a higher ground. The house right across from us also a corner lot house is half a foot higher than ours. We (over) don't have a special privileged fence. It's simply consistent with the neighborhood existing condition.

Additional information.

When we moved in maybe 6 months after the previous owner finally completed all the fixings of the house we power washed that rotten wadden fence it had and restained it, the fence after a while since our backyard was all dirt and on a higher ground, the fence had started sliding into the sidewalk.

When we had found out about the issues and the surveyor came, had told us that we needed to move that fence back 3 1/2 inches to bring it back in the property line, while working already with county to bring it to compliance we replaced the fence from wood to PVC, and apparently we needed a permit to replace it ~~at that spot~~ ~~to be in the~~ same spot it was. We thought we were fixing the issue with it being sliding into the sidewalk.

We have already completed the vacating of the easement, in the more than 20 years of previous owners lived at this property and we know the owners, there were no complaints or issues regarding the fence or structures. Additionally, we became aware that who filed the complaint has a history of submitting complain against multiple neighbors without valid cause. We also discovered that the email used as one of the complaints was not legit, and another neighbors name was used in the complaint without their knowledge. How can they use peoples name on a official complain without their knowledge. (bc they need more than one complaint).

(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:

Strict enforcement would require removal of existing parts that have been there in some form of decades and is consistent with the neighborhood. This would impose unnecessary financial and practical hardships without serving any public benefit. and every one in the immediate 5-6 houses next to mine would have to do the same

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

We are only asking to allow the existing fence and structures to remain as they are. No expansion or additional construction is being requested.

Since they are higher.

(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:

Approving this variances maintains the neighborhood consistency, safety and reasonable use of the property while avoiding unnecessary hardship.

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 Anna Ciani

Signature of planner Raul Boody