

## 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:

Our property is uniquely impacted due to its location directly adjacent to a wooded area, <sup>STATE</sup> Route 520 highway + Magnolia Ave. Due to its location we experience a high volume of unauthorized trespassing + vandalism. Our lots are often used as cut throughs. Trespassers look into our patients cars. This has become a safety + security issue.

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

The need for the variance arises from pre-existing external conditions beyond our control. Specifically the size of the lots, the proximity to the woodlands and roadways. These conditions create us safety + security concern. Approving the variance would allow

(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:

Granting the request would not confer any special privilege. It would allow us to address unique safety and security challenges that arise from our property's unique location. Trespassing, vandalism, + unauthorized encampments are conditions not commonly experienced by other similarly zoned properties. The variance would allow us to take necessary steps to enhance safety and security of our property, staff, and visitors. It's a practical solution to a safety concern, not a request for preferential treatment.

(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:

The literal enforcement of this chapter would deprive us of reasonable security measures that are commonly enjoyed by other properties. We face a persistent set of challenges including trespassing, vandalism, theft, and unauthorized camping. These aren't typical burdens for other nearby properties. Without the variance, we are left exposed to repeated safety concerns, property damage & liability.

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

We are requesting to place a 5 foot non-opaque fence without the required setback. This would enhance security & decrease trespassers. We feel this is the minimum variance that would eliminate the security/liability risk without eliminating essential parking spaces. Our parking capacity is already limited and the setbacks would impact our patients & staff. Granting this variance would allow us to enhance security without compromising our business & the functionality of the property.

(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:

The proposed 5 foot non opaque fence matches the design & height of the fence directly across the street, maintaining neighborhood consistency. Because its transparent, commuters & pedestrians retain clear sight to traffic on Magnolia Ave and Highway 520, preserving safety & visibility. The fence would allow unobstructed views of the river, ensuring the area's natural beauty can be appreciated by the public. The minimal adjustment addresses our property's unique challenges without negatively impacting the community's character or aesthetics.

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

Romia Giff

Signature of planner

Kristen Champion