

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and
name of contractor

X 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:

Devereux is a behavioral health facility for children and adolescents (ages 5–18) with specialized needs. Unlike other properties in the zoning district, it serves a vulnerable population requiring increased measures to ensure safety. A 10' no-climb fence is necessary to ensure the safety of the individuals admitted for treatment.

- (2) That the special conditions and circumstances do not result from the actions of the applicant:
The need for a 10' no-climb fence arises from the nature of the facility's operations and the special needs of the individuals served. It is imperative for the individual's safety that the property be secure. These circumstances are inherent to the population served and were not created by the facility.

- (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:

The requested variance is solely for the safety of the individuals served. Other facilities with similar safety needs could request the same variance, and approval would not result in a unique advantage.

(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:

Without the variance, the youth served would be at increased risk. Other properties in the district do not face these specific challenges and can operate without additional fencing.

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

Based on past experience, the 10' no-climb fence is the height required. The variance allows for adequate safety for the individuals served.

- (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 fence is designed to blend with the existing environment while prioritizing safety. It will allow for a more secure environment for the individuals while receiving necessary mental health and behavioral treatment.

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.

DocuSigned by:

Signature of applicant

01/31/25

Signature of planner
Jackson, Desiree
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Date: 2025.06.25
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