

STANDARDS WORKSHEET - VARIANCE



For all petitions involving a request for a Variance, the petitioner must provide detailed written responses to each of standards posed as a question below.

This form can be requested as a Word document from Development Services.

Code Section: 6-310.H & 6-310.1.A.2.a.9

Requirement:

When pools are located on corner lots, and on a side or rear yard that abuts an adjacent public right-of-way, said pools shall be entirely screened from view via a six-foot-tall opaque fence.

Requested Variance/

Modification: Allow a 5'-tall open style aluminum fence.

Incremental

Improvements:

1. Can the property in question yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located?

Petitioner Response:

2. Is the plight of the owner due to unique circumstances?

Petitioner Response:

3. Will the variation, if granted, alter the essential character of the locality?

Petitioner Response:

4. Due to the particular physical surroundings, shape or topographical conditions of the specific property involved, is there a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out?

Petitioner Response:

5. How are the conditions upon which the petition for a variation is based unique to the property for which the variance is sought and are not applicable, generally, to other property?

Petitioner Response:

6. Has the alleged difficulty or hardship caused by these regulations and not resulted from any act of the applicant or any other person presently having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof?

Petitioner Response:

7. Will the granting of the variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located or otherwise be inconsistent with the Comprehensive Plan, any adopted overlay plan or these regulations?

Petitioner Response:

8. Will the proposed variation impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood?

Petitioner Response:

9. Is the variance granted the minimum adjustment necessary for the reasonable use of the land?

Petitioner Response:

10. Are aforesaid circumstances or conditions such that the strict application of the provisions of this Section would deprive the applicant of any reasonable use of his or her land? Mere loss in value shall not justify a variance; there must be deprivation of all beneficial use of land.

Petitioner Response:

1. Yes. The property can yield a reasonable return if used in accordance with the existing zoning regulations. However, strict application of the regulations limits the owner's ability to fully utilize the property for functional outdoor use. The requested variance does not relate to the fundamental economic use of the property, but rather enhances its usability and enjoyment without altering its permitted residential use.

2. Yes. The plight experienced by the owner is due to unique circumstances related to the property's specific conditions, which are not generally applicable to other properties in the zoning district. These conditions create limitations that make strict compliance with the regulations impractical in terms of achieving reasonable safety and functional use of the property. The requested variance is intended to address these site-specific constraints in a limited and appropriate manner.

3. No. Granting the requested variance will not alter the essential character of the locality. The proposed fence is consistent in scale and appearance with other residential fencing in the neighborhood and is designed to blend with existing conditions. It will maintain the established residential character of the area and will not introduce any use, structure, or impact that is out of character with surrounding properties.

4. Yes. Due to the specific layout and conditions of the property, strict application of the fence regulations would create a practical hardship beyond mere inconvenience. The requested variance is necessary to allow installation of a fence that appropriately accommodates the pool area while maintaining safety and compatibility with the property's overall design. The request is limited in scope and intended to achieve a functional and aesthetically consistent improvement without negatively impacting neighboring properties or the character of the neighborhood.

5. The conditions supporting this variance request are unique to the specific property due to the layout and configuration of the lot in relation to the pool area and existing residential improvements. The requested fence type is intended to provide an appropriate balance of safety, functionality, and aesthetic compatibility with the property. These circumstances are specific to

this property and are not generally applicable to other properties within the zoning district, as lot layouts, pool placement, and surrounding conditions vary from property to property.

6. Yes. Due to the specific physical characteristics of the property, strict application of the regulations would create a practical hardship for the owner beyond mere inconvenience. The requested fence variance is necessary to address site-specific conditions and to allow reasonable use of the property for safety, and security. Without the variance, the property would not be able to achieve the same level of functional separation from adjacent uses, given its layout and surrounding conditions, while still maintaining consistency with the neighborhood.

7. No. Granting the proposed fence variance will not be detrimental to the public welfare or injurious to neighboring properties. The proposed fence will enhance security, and safety while remaining compatible with the character of the surrounding neighborhood. The fence will be properly maintained and will not create adverse impacts on nearby properties, traffic, visibility, or public access. The request is consistent with the intent of the Comprehensive Plan, adopted overlay plans and local regulations.

8. No. The proposed variance will not impair the adequate supply of light or air to adjacent properties, nor will it substantially increase congestion on public streets. The fence is a non-habitable structure that will not affect traffic flow, parking, or visibility for neighboring properties and will remain consistent with the residential character of the area. The proposed variance will not impair property values in the surrounding area. The fence will be well maintained, aesthetically consistent with the neighborhood, and intended to enhance the overall appearance of the property.

9. Yes. The proposed variance represents the minimum adjustment necessary to allow reasonable use of the property. The fence is designed to provide security and safety for the residents while respecting the setbacks and maintaining harmony with the surrounding neighborhood. No larger or more intrusive modification is required to achieve these objectives.

10. No. The property would still have reasonable use without the variance; however, the requested variance is being sought to allow a fence type that

better complements the pool area and overall residential character of the property while still providing the required safety, privacy, and security. The request is not based on financial hardship or loss of property value, but rather on achieving a practical and aesthetically appropriate improvement that remains consistent with the surrounding neighborhood.