

Jon Morin

Town of Vienna

Variance Application

Re: Statement of Justification

Due to a significant depression in the ground level adjacent to the city sidewalk along the property boundary along Nutley Rd. a variance for a 6-foot fence is necessary for adequate protection and safety concerns. The noted land depression drastically reduces the effective height of the fence and thus the protection it provides from the significant traffic volume on Nutley Rd, causing a hardship for the property owner. Currently, the existing 4-foot fence provides only approximately 13 inches of exposed protection along this section of the property due to the ground depression. This variance is essential to ensure adequate security and protection for the property, compensating for the challenging topography.

Vienna Variance Criteria

**A.** The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

*Response: The hardship is natural due to the land topography. Nothing has been altered or adjusted by the homeowner/applicant.*

**B.** The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

*Response: The variance being requested does not impact any adjacent housing; the fence being requested for a variance is on a public road and does not impact any neighboring yards or properties.*

**C.** The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

*Response: The variance being requested is due to a situation specific to the homeowners property and therefore would not require general regulation to be adopted.*

**D.** The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and,

*Response: The granting of the variance would not result in unsanctioned or unpermitted use - it is merely a taller fence for safety purposes.*

**E.** The relief or remedy sought by the variance application is not available through the Conditional Use Permit process or, when permitted by this Chapter, determination by the Zoning Administrator.

*Response: The granting of the variance is not applicable to the Conditional Use Permit process.*