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Permit # 23 - 8343

Review Standards for Variance Request

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- a. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity.
 - As per the response in permit # 23 - 8343 Planning and Zoning Department: "No fence or wall within a front yard shall exceed a height of four feet." I am kindly requesting a variance as on this side of the building there are no front door entrances, only bedroom windows, bathroom windows and a sliding door for the subject property's patio and is not perceived to be or used as a front yard for any of the condominium owners (Image 1). I humbly ask that this variance be approved for the permit at 6 feet of height as it would provide much greater privacy and quiet enjoyment than a 4 foot high fence. In addition to this, a 6 foot high fence would allow it to match all other Parkway Gardens Condominium fence heights and keep a uniform, clean look to the property and neighborhood.
- b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
 - The fence permit is being requested at 6 feet of height so the patio may be used and enjoyed as a side yard. Also, the gate to be installed, as per the plans, will not be facing the street, but rather the true front of the building where owners and tenants park their cars and access their front door entrances (Image 2).
- c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
 - I can confirm that a 6 foot high fence instead of a 4 foot high fence would not prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship. Please see the attached picture showing that the fence to be constructed is within the tree line and would not impose any hardship on tree maintenance or bulk trash pickup (Image 3).
- d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

- I can confirm that this variance would not confer any special privilege that is denied to other lands or structures that are similarly situated. Please see attached pictures demonstrating neighboring patios that are also in close proximity to the street and have 6 foot high fences in order to enjoy the privacy of their side yards (Image 4, 5, and 6).

e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure

- Having a 6 foot high fence would provide much greater privacy than a 4 foot high fence and would provide the minimum reasonable use for quiet enjoyment.

f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit

- I believe this variance would be in harmony with the general purpose and intent of the Code as per Chapter 155.1103. GENERAL PURPOSE AND INTENT: J. Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of land development that recognize and respect the rights of landowners and consider the interests of the city's citizens.

g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare

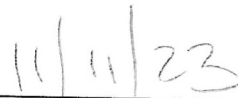
- I do not believe that this variance would adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.

h. The Variance is consistent with the comprehensive plan.

- I believe this variance would be consistent with the comprehensive plan as per Policy 01.03.12 The following criteria may be used in evaluating rezoning requests: C. Distance to similar development; D. Existing adjoining uses;



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Date