

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The proposed warehouse will be a part of the existing Scheller complex and will be secured by fencing. The facility operates in daytime hours from Preston Highway and does not have adverse affects on the neighboring landowners.

2. Explain how the variance will not alter the essential character of the general vicinity.

This area is developed all around except for this vacant lot. This vacant lot has had vagrant issues and securing it within the Scheller small warehousing area will be an improvement to the area. The Form District is being moved to include this area as SMC off of Preston Highway.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The warehouse has minimal lightening and will be in a secured fence area. If anything, it buffers noise, unwanted pedestrian traffic and lightening from Preston Highway.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

This zoning regulation protects residential uses. The single family subdivision to rear has a 42 foot setback. The existing R-7 to the north is constructed and the closest building is over 60 feet from the property line. The building is set as proposed to assist with drainage concerns and aesthetics.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

This is a final in-fill expansion project for the Scheleler complex. This is available adjacent land for them to expand and keep at the same location. The warehouse will be of similar design as the former 2 structures.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The requested variance of a setback allows the applicant the best use of the available lot and this size setback is not needed with the existing layout of these two properties. The warehouse needs to be a certain size to be useful. The not granting of this variance would be a hardship on the applicant.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

The initial structures and layout predates the current Code.

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