

**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.

Variance of Section 5.3.1.C.5, Table 5.3.2 to vary the Old Henry Trail 95 ft maximum setback as show on the development plan.

1. The variance will not adversely affect the public health, safety or welfare because this is an aesthetic issue only and because Old Henry Road and Old Henry Trail are both parkways. In order to comply with the parkway buffer setbacks and the irregular shape of the lot, the only way the building will work is if the setback is exceeded.
  2. The variance will not alter the essential character of the general vicinity because the increased setback will be consistent with the semi-rural character of the area and will facilitate effective drainage control.
  3. The variance will not cause a hazard or a nuisance to the public because again this is an aesthetic not hazard or nuisance issue, and created by the parkway buffer on Old Henry Road and Old Henry Trail.
  4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because it will facilitate other important requirements for drainage and roadway improvements.
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Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as noted above, the property is irregularly shaped and is located along two parkways which require significant setbacks.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant wouldn't be able to fit most of its normal-shaped buildings on this overall irregularly shaped site.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the result of the shape of the overall site and the parkway buffer setback required.

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