

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 5.3.2 to reduce the 50ft setback from adjacent residential use to 30 ft.

1. The variance will not adversely affect the public health, safety or welfare because this is an aesthetic/nuisance issue, not a public health, safety or welfare one.

2. The variance will not alter the essential character of the general vicinity because this project is merely an addition to an existing use, all of which is located on property already used for a church on a collector level road (Lower Hunters Trace), which is directly connected to a major arterial (Dixie Highway).

3. The variance will not cause a hazard or a nuisance to the public because the issues here involved are not hazard or nuisance ones but rather aesthetic impact ones which are not adverse to this development.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the variance will not unreasonably impact anyone. The closest neighbor's residence where the variance is requested will be shielded from the parking lot, and lights from cars, by a 6 foot screen wall. The remainder of the set-back variance will only impact a long back yard where the building will shield the residence from other unwarranted nuisances thereby mitigating the impact thereof.

Additional consideration:

1. The variance arises from special circumstances, which do not generally apply to land in the general vicinity. In fact, the new building footprint is under 30,000 sq. ft., which only requires a 30 foot setback being requested, but the addition of the as-built improvements push the project slightly over the 30,000 sq. ft. threshold.

2. Strict application of the provisions of the regulation would deprive the applicant of the

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reasonable use of the land or would create unnecessary hardship because it would unnecessarily reduce needed parking and square footage so that the applicant can serve its "not for profit" purpose of benefiting disabled individuals.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of the confines of the space limited by the current church improvements and related activities.

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