

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 variances will not adversely affect the public health, safety or welfare as there will still be adequate setbacks around this building so as not to cause any safety issues.

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

We are not altering the essential character of the vicinity since we are locating the building in the same location as the current day care building which has been situated similarly on this site for many years. Similarly, the proposed parking area is in the same approximate location as the existing parking area.

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

Granting the variances will not cause a hazard or nuisance to the public as the building and parking area will basically be located in the same place as the existing building and parking area on the site and following the established development pattern of the area.

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

The property was previously developed under previous Land Development Code regulations, and the current setback requirements are overly restrictive for this very narrow parcel. Additional right-of-way is being required by Metro Public Works, which moves the existing setback line along Six Mile Lane further back into the site.

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 very narrow parcel, only 45' deep, is practically unusable without relief from setback and buffer requirements. Even though a significant amount of right-of-way already exists on the opposite side of Six Mile Lane from this site, which could easily accommodate any future widening of Six Mile Lane, Metro Public Works is requiring additional right-of-way to be dedicated on our very small parcel which triggers the variance request to allow the existing parking area to remain within the newly adjusted front setback area.

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.

Without relief from the setback requirement this property will not be able to be developed as it has been zoned for many years ago.

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 narrow characteristics of this parcel, which was created many years ago by others, coupled with the restrictive setback requirements of the Land Development Code make relief of the regulation necessary. The applicant is not responsible for either of these circumstances relating to this parcel.