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DEC 14 2018

PLANNING &  
DESIGN SERVICES

**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.**

Locating the sign in the stream buffer will not affect health, safety or welfare as the 'stream' is a relocated, rip-rap lined ditch, not a true stream and there is no vegetation being disturbed except some lawn to install the sign.

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

This is an area of apartment complexes with freestanding signs that are designed to complement the building architecture they are associated with which are all located close to the roadway for visibility.

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

The sign will be located far enough away from Fern Valley and Jefferson Boulevard so as not to be a hazard or nuisance. The sign will be located behind a guardrail, so it is not easily accessed by pedestrians or vehicles, should they leave the roadway.

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

The variance will not allow an unreasonable circumvention of the regulations as an apartment complex is allowed by zoning regulations to have a sign that is legible and visible. It would not be unreasonable to locate a sign closer to the road if it is not impacting the ditch.

*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).**

Due to the location of the Blue Spring ditch buffer and a gas easement, the sign would have to be located at least 120 feet from Fern Valley road and would not be visible to traffic travelling at the speed limit. Other apartments in the area do not have to contend with the gas easement and ditch.

**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.**

An unnecessary hardship would be created as the advertising for the apartments would be so far from the road, people would not see the sign, which could make it difficult to attract potential tenants.

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

No, the circumstances were determined prior to the development of the site when the Blue Spring ditch was relocated to create Jefferson Boulevard and not as a result of the applicant's actions.

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