

**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 pavement encroaching into the 100' stream buffer will have no negative impact on public health safety or welfare. Green infrastructure is required, so water quality will be improved prior to release into stream.

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

This site is in Riverport Industrial Park and was planned for this type of development.

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

The adjacent property owners to the east have a 128 setback separated by a stream and vegetation.

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

Riverport has a self-imposed 75' building setback instead of LDC required 25'. If the extra 50' was not required by Riverport, there would be no setback issue. Any narrower of a building would not be suitable for warehouse development and the loading dock and parking in the back is also at its min.

*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).**

The large building setback per Riverport forces the building closer to the stream.

**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.**

Warehouse use cannot function with a very narrow building or without loading. Shrinking the building or taking away the loading would render this industrial site almost useless.

**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.

**RECEIVED**

MAY 23 2016