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DEC 29 2014

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.**

The requested building height variance will allow the proposed buildings to match the existing buildings in the Williamsburg Plaza area. The requested setback/open space variation also provides for safe pedestrian access from the Rights-of-Way to the buildings and safe vehicular circulation.

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

The proposed development is compatible with and matches the existing pattern of development that has already been established along Williamsburg Plaza and the Hurstbourne Parkway area.

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

The development maintains the established pattern of development in this area and provides safe pedestrian access from the Rights-of-Way to the buildings. Traffic circulation patterns for this development also provide safe movement of vehicles thru the parking areas.

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

The area of this development is located along Hurstbourne Parkway in an established area of Suburban development patterns. This proposed development is compatible with the existing Suburban pattern even though it is designated as being in the Town Center Form District.

*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).**

Land in the general vicinity of this development has already been developed in a more Suburban pattern consistent with a Suburban Form District rather than a Town Center Form District

**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.**

Not allowing the building height variance would diminish the upscale nature of the apartments to have high ceilings. The setback and less open space variances are necessary to provide adequate parking and safe vehicle circulation throughout the parking areas.

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

Development patterns along Williamsburg Plaza and Hurstbourne Parkway were established several years ago, before the current owners of this site were involved with this proposed development.

*Handwritten signature: H. J. ARNOLD*