

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 5.3.1.C.5 to exceed the 80 ft maximum setback on Reamers Road.

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

2. The variance will not alter the essential character of the general vicinity because this property pretty much stands alone, surrounded as it is by disparate uses – for example, a historic subdivision across La Grange Road also significantly set back because of large lots and a rail road track parallel to La Grange Road and newer subdivisions not subject to this setback requirement. Also, the design of this office site was sensitively undertaken to avoid the objections and concerns of prior more intense commercial developments proposed for this site which might have been able to locate closer to La Grange Road.

3. The variance will not cause a hazard or a nuisance to the public because ~~this variance does not~~ involve a hazard or nuisance issue but rather an aesthetic one.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations for reasons set forth above and elsewhere in this overall rezoning application, which intends to protect much of the perimeter vegetation, especially high quality trees, and to avoid an intense, close to the arterial roadway commercial look.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of what is said above, notably the special design efforts being made to keep this development from having an intense commercial appeal.

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2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would be forced to design the site entirely differently, giving it the more intense commercial look that everyone is seeking to avoid.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation; but rather are the result of the special design efforts explained above.

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