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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 proposed site will not adversely affect the public health, safety or welfare, but will improve them. The site will close the Preston Hwy entrance reducing the close proximity to an intersection and is also increasing the buffering areas along all four sides of the property.

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

Most properties along Preston Hwy. are zoned C-1 or C-2, the proposed site is commercial/retail in nature and is keeping with the essential character of the general vicinity.

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

The site will not cause a hazard or nuisance to the public but will in fact be an improvement from the existing vacant lot, by closing the Preston Hwy. entrance, adding floodplain compensation and buffering along all four sides of the property.

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

The site currently has pavement for parking and vehicular maneuvering within the 25' setback line. The proposed site will decrease the amount of pavement within the 25' setback line by 38% and will not be an unreasonable circumvention of the requirements of the zoning regulations.

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).

By revitalizing the vacant commercial site, which is less than a half acre, under current regulations for the C-1/SMCFD the 25' setback encumbers the site to allow access from the site at the entrance along Prestwood Lane.

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.

With the site being under a half acre, the 25' setback encroaches into the current and proposed access at Prestwood Dr. and would deprive the applicant of the reasonable use of the land by limiting traffic flow and access from the site.

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 circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation by improving the site that is less than a half acre, the current regulations pertaining to the 25' setback encumber the access from the site onto Prestwood Dr.