

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 4.8.3.D to allow the hotel and parking areas to be constructed in the waterway buffer area (from 100 ft to 16 ft)

1. The variance will not adversely affect the public health, safety or welfare because this is a mostly as-built condition which will be improved with the renovation of the existing hotel, reconstruction of the existing old parking lot, and the construction of a new hotel building on the site. The stream is a man-made stream for which the existing improvements on the property encroach.
2. The variance will not alter the essential character of the general vicinity because there is an existing hotel and old parking lot that already cover most of this site. Thus the proposed new hotel expansion and parking lot will improve the character of the area. Multiple other nearby properties encroach into the streambank setback currently. Further, multiple variances have been granted along this same stream and in close proximity to this site, recognizing such variances do not alter the essential character, particularly when this site already encroaches in the setbank currently.
3. The variance will not cause a hazard or a nuisance to the public because the location of a building on this property was long ago established within the setback, as well as others in the immediate area. Furthermore, the setback of this building and parking from the ditch does not have any effect whatsoever on traffic safety or anything else that could be considered a hazard or nuisance to the public.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because as stated hereinabove, an existing hotel building and parking already exist at the approximate location of this proposed new hotel addition. Further, there is no other way to redevelop the site as proposed without encroaching into the streambank setback.

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Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the reasons set forth hereinabove, including the fact that this is not a vacant site but rather one that has long involved an existing hotel and related parking of another approximately equal size also encroaching into the streambank setback.

b. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship because the applicant would not have the ability to expand the hotel and provide adequate guest parking which is essential to the success of any hotel.

c. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought but rather are the consequence of the size of this property and the already established existing location of building and parking.

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