

**Variance Justification Statement**  
**Locust Creek Section 10B**  
**January 5, 2015**

The applicant is requesting a variance from LDC Chapter 5.3.1.C, Table 5.3.1 to allow 20' front and street side yards within this section of Locust Creek. The purpose of this variance is to lessen the impacts on an existing intermittent stream on the property. This variance is associated with a revised major preliminary subdivision plan that will decrease the number of lots in this section in order to protect this stream. The originally approved plan would have completely eliminated it. Justification for these waiver is as follows:

1. ***Explain how the variance will not adversely affect the public health, safety or welfare.***  
This variance is internal to the development and will have no impact on the public health, safety or welfare.
2. ***Explain how the variance will not alter the essential character of the general vicinity.***  
This variance will be limited to Section 10B of Locust Creek for the purpose of lessening impacts to an existing intermittent stream on site, thereby preserving a part of the essential character of the general vicinity.
3. ***Explain how the variance will not cause a hazard or a nuisance to the public.***  
This variance is internal to the development and will be limited to this section; therefore it will not cause a hazard or a nuisance to the public.
4. ***Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.***  
This variance will allow the applicant to lessen the impacts to an existing stream on the property. Therefore, this will not be an unreasonable circumvention of the requirements of the regulation.

**Additional Considerations**

1. ***Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).***  
This site is constrained by an existing intermittent stream to the east and existing single family lots to the west; therefore, this variance arises from special circumstances that do not generally apply to land in the general vicinity.
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.***  
The strict application of the regulation would decrease the amount of space between the proposed homes and the existing stream, therefore increasing the impact to this stream and creating an unnecessary hardship.
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. The circumstances of this variance are due to the existence of an intermittent stream on the property.