

VARIANCE JUSTIFICATION STATEMENT

LDG Multifamily, LLC

5127 Terry Road

The proposed variance from Section 5.3.1 of the Land Development Code, to allow the maximum building height to be 39 feet instead of the required 35 foot maximum height, will not adversely affect the public health, safety or welfare. The proposed variance will permit the applicant to exceed the maximum building height by two feet. The applicant proposes to develop this vacant property into a multi-family residential community. The proposed variance is necessary to provide additional volume in each of the units for higher ceilings.

The proposed variance will not alter the essential character of the general vicinity as it will permit the multi-family structures to exceed the maximum building height by only two feet. The proposed development is located adjacent to Terry Road and will observe all required setbacks between the proposed buildings and adjacent residential properties. The variance will not alter the proposed density.

The proposed variance will not cause a hazard or nuisance to the public. The proposed variance will permit the multi-family structures to exceed the maximum height by only two feet. The variance will not have any adverse impact on the sightlines of adjacent property owners.

The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to exceed the height requirement as minimally as necessary. The proposed development will allow the applicant to exceed the maximum building height by only two feet to provide additional high-quality multi-family units to the area.

The proposed variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposed development calls for the erection of nine multi-family structures, which requires a variance of only two feet from the maximum building height.

The strict application of the regulations would create an unnecessary hardship as the applicant is requesting only a two foot variance from the maximum building height. Strict application of the regulations would force the applicant to redesign its buildings to lower the ceilings in each unit.

The circumstances are not the result of the actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.

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JAN 23 2023

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22-VARIANCE-0164