

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.

This variance is being requested due to the overhead powerline that runs along the front of the property with the associated electric easement.

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

The form district requires that the proposed building be constructed to within 5' of the right-of-way line. Most structures were constructed in this area prior to the form district being established. This will be the only one on this block to that will be constructed with the parking at the rear and side.

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

The site layout still has the parking to the side and the rear of the proposed building

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

Allowing this variance will allow for the building to sit as close as possible to the right-of-way line due to the existing overhead utilities and associated electric easement.

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).

The need for the variance comes from the exiting overhead electric line and associated electric easement. Other properties have not been redeveloped that would require to be set up to the street.

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.

Strict application would require extensive utility reconfiguration along the entire road frontage.

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 not the result of the actions taken by the applicant. This overhead line has been in place for longer than the applicant has owned the property.

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