

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 5.3.1 to reduce the front and street side yards 5 feet, from 25 ft to 20 ft.

1. The variance will not adversely affect the public health, safety or welfare because this variance really only has aesthetic consequences and it is internal within the overall development, having no impact on any other properties or the public.
2. The variance will not alter the essential character of the general vicinity because this variance is entirely internal to the overall development, having no impact on any other properties. It is also similar in setbacks to other nearby properties.
3. The variance will not cause a hazard or a nuisance to the public because it is completely aesthetic with no impact to hazards or nuisances at all.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is internal to the overall development, having no impact on any other properties, and it does not have any negative impact on any other surrounding properties necessary to be protected by the regulation.

Additional consideration:

1. The Variance arises from special circumstances as it relates to the protection of slopes and the type of product in the development, which do not generally apply to land in the general vicinity which are much more flat in terrain and it has no adverse impact on any other properties.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because of Developer's need to deal with the slopes and because this variance is internal to the overall development, having no impact on any other properties. Disallowing this variance would render the project impractical.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this variance is necessary because of the need to address slopes in the development and because they are internal to the overall development, having no impact on any other properties.