

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.

The variance will not adversely affect the public health, safety or welfare as it is a dimensional variance increasing the maximum building setback from 80' to 90'. If anything it increases visibility along the road frontage and allows the 15' LBA and parking near the front building entrance.

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

The variance will not alter the character of the general vicinity as while there are no other large institutional uses on Unseld Blvd there are many in the vicinity including the Newburg Church of Christ, Newburg Library,.. and of these Newburg Middle and the Greenlee bldg. are setback >80'.

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

The additional 10' requested of the maximum setback will not cause either a hazard or nuisance as it will allow this larger building to be setback further into the site, and with the landscape buffer and open space to be more compatible with the existing single family homes nearby.

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

The waiver will not allow an unreasonable circumvention as the building will meet the maximum setback along E. Indian Trail, which is the sites main road frontage. The request is only to increase the setback to allow the landscape buffer & parking to be provided near the prayer halls front door.

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).

Due to religious practices a northwestern orientation is preferred for the front of the building and a southeast orientation for the rear. With that said, the front, which requires a drop-off location and parking nearby pushes the building further into the site due to this and the parking buffer required

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.

Since the design and orientation of the building is required to comply with religious practices, the strict application of the regulation would create an unnecessary hardship and deprive the applicant of reasonable use of the land especially when other buildings in the vicinity exceed this setback..

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

As specified above, the design and orientation of the building are due to religious practices and the need for a dropoff area and parking near to the front door a practical one. These result in the need for relief and are not the result of actions by the applicant subsequent to the adoption of the regulation.

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