

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.

Siting the building a few feet further back than the required 5' setback of corner lots will not have an impact to public health, safety or welfare. It may possibly be safer since holding the building back further on Adams St. will help with visibility of vehicles on Adams St. & Cabel St.

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

Other buildings in the area, and the building across the street (corner lot), are not built to the 5 ft. required set back. Most of the properties in this area are vacant, do not have buildings on them or have a large setback from the road. See attached photograph.

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

Holding the building further than the 5 ft required setback will allow for more green space along the roadway, which is not 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.

The proposal is to build within the min. and max. front street setbacks listed in the LDC for M-3 Traditional Neighborhood rather than the corner lot required 5 ft setback. This still upholds the primary requirements for this form district and surrounding neighborhood.

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 topography of the site, especially on the corner, has a significant elevation change. The street is approx. 12 ft. below the main elevation of the site. MSD is requiring the finish floor elevation to be no lower than elevation 451 and the elevation height at the 5 ft setback is 445.

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.

Topography restrictions, as stated above, would require great expense to attempt to build on the 5 ft setback and at the elevation height required by MSD. It would also require removing large well established trees and it is our intent to preserve as many trees & green space as possible.

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 design, placement and orientation of the building was based primarily on the site and surrounding neighborhood.

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Page 3 of 8
16 DEVPLAN 1218