

MAR 10 2014

PLANNING & DESIGN SERVICES

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 proposed improvements are above or right at the 100 year flood elevation; therefore, there will be no impact to flow in the paved ditch.

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

The proposed improvements are compatible with the surrounding development

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

The stream that is being buffered is a paved ditch that was created during construction of the Gene Snyder Freeway

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

The paved ditch in question is at the beginning of a blue line stream and is not subject to a large quantity of flow, therefore, the proposed improvements will not be a hindrance to the flow for the stream

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).

An additional flood plain mitigation area was established along the paved ditch thereby creating an additional area that is undevelopable

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.

The strict application of the regulation would deprive the applicant of reasonable use of the land since the required drive lanes could not be provided.

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 applicant just recently purchased the property and therefore no action of the applicant has affected the relief being sought.