

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 or welfare and is not adjacent to any property owners at this location and the future Old Henry Road extension will widen the right-of-way to more than 50 feet.

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

Approval of this variance will not alter the essential character of the general vicinity because Old Henry Road is being relocated approximately 50-feet away from this location.

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

This variance will not cause a hazard or a nuisance to the public because there are no adjacent property owners who will be affected and the future Old Henry Road extension will push the roadway 50-feet away from this location.

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

Approval of this variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the right-of-way is being widened to more than 50-feet at this location.

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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).

This area provides different types of condo units and the style being provided on this site has a front-loading garage and in order to fit 5 units on the site, and because the property line angles into the property, this minor variance of setback is being requested to allow the garage to be constructed.

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 of provisions of the regulation would prevent the applicant from building 5 units on the property. Almost 2/3rds of the property currently will maintain woodland protection area & stream buffer protection. As such development of 5 units is condensed into the front corner of the site.

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

No. the circumstances are not a result of actions of the applicant but are a result of the protection of woodland area and stream buffers pushing the development to the front portion of the site.

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