

**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 Sections 5.3.1.C.1 & 5.1.12.B.2.a of the Land Development Code to allow the proposed building to be located 27' from the front property line, rather than the 35' front setback requirement established by the infill regulations.

1. The variance will not adversely affect the public health, safety or welfare because the variance requested is only 8 ft. Due to site constraints that are beyond the applicant's control, relocating the building closer to Herr Lane is more desirable than disturbing existing shallow subsurface rock, to enable a design of the site and building to meet ADA requirements for building entries and adjacent sidewalks.

2. The variance will not alter the essential character of the general vicinity because all other LDC requirements will still be met, including a safe distance between the building and Herr Lane.

3. The variance will not cause a hazard or a nuisance to the public because all other LDC requirements will still be met and the resultant building will not cause any sight line issues for the adjacent roadway.

4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the site constraints, which beyond the applicant's control. Relocating the building closer to Herr Lane is more desirable than disturbing existing rock, which could create impact for surface drainage and ground water flowage and enables the design of the site and building to meet ADA requirements for building entries and adjacent sidewalks.

Additional consideration:

1. The variance arises from special circumstances, which do not generally apply to land in the general vicinity because if it were not for the shallow subsurface rock, the building could be placed within the building limits and this variance would not be required.

RECEIVED

NOV 07 2019

PLANNING & DESIGN  
SERVICES

19-Variance-0065

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 the site constraints are out of the applicant's control, and relocating the building closer to Herr Lane is more desirable than disturbing existing subsurface rock, which may create negative unforeseen consequences to the geology of the area and will permit the designs for the site and building to meet ADA requirements for building entries and adjacent sidewalks.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the pre-existing geologic conditions of the site are beyond the applicant's control, and relocating the building closer to Herr Lane is more desirable than disturbing existing rock, while designing the site and building to meet ADA requirements for building entries and adjacent sidewalks.

RECEIVED

NOV 07 2019

PLANNING & DESIGN  
SERVICES

19-VARIANCE-0065