

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 variances are the result of the required driveway location in the middle of the tract (due to traffic safety considerations), which given the desires of the developers to create three lots resulted in the building being setback past the first parking bay.

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

Actually the development will be more consistent with it's immediate surroundings where there is a variety of setbacks and parking is typically in front of the building.

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

Other developments immediately adjacent to the project have the same setback and parking designs as those proposed for this project.

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

The variances will only allow the applicant to utilize the property in a safe and marketable manner.

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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 variances arise from the need to locate a single entrance in the middle of the tract.

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 the regulation would significantly result in the loss of a lot or the formation of three unmarketable lots which would make this commercial revitalization project not feasible.

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, again the variances result from agency requirements for a single entrance location across from Leehigh Avenue.

14 ZONE 1037

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

No the proposed waiver location is internal to the development not adjacent to any other properties.

2. Will the waiver violate the Comprehensive Plan?

No the waiver will simply allow the access and parking on the site to be arranged in a manner that allows the sites primary access to be located directly across from Leehigh Avenue as required by the Metro.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes it allows the applicant to locate the primary entrance in the center of the property and still make three commercial lots.

4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The applicant has located the center building to screen the parking from the school behind it and the other two buildings and parking to provide an internal walkway system.

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