

**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, safety or welfare, because the property sits on the corner of Hurstbourne Parkway and Stonybrook Drive on a hill that overlooks floodplain.

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

The variance will not alter the essential character of the general vicinity, because this section of Hurstbourne Parkway is more open, with green space, and other properties where buildings set farther back than normal from the right-of-way.

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

The variance will not cause a hazard or a nuisance to the public because by siting the buildings further back from Hurstbourne Parkway access is provided via Stonybrook Drive.

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

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations, and will keep the proposed buildings out of existing low lying floodplain.

*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 variance arises from special circumstances, which do not generally apply to land in the general vicinity because the front of the property along Hurstbourne Parkway remains existing low lying floodplain, and the propoer building locations should be further back past the maximum setback.

**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 provisions of the regulation would deprive the applicant of the reasonable use of the land and create unnecessary hardship by requiring construction in the floodplain which would require additional floodplain compensation and major earthwork movement.

**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 front of the site where the low lying floodplain existing was created when Hurstbourne Parkway was constructed (which is elevated compared to the low areas around it).

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