

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 variance will not adversely affect the public health safety or welfare because the proposed layout is more suited for the subject property than adhering to the LDC regulations

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

The development within the general vicinity do not create a streetwall with minimum building setbacks from the right-of-way that you would see in many Traditional Form Districts. The proposed variance fits in with the established character of the area

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

The variance will not cause a hazard or nuisance to the public because placing the building further into the site makes the development more insulated from surrounding properties.

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 because due to the shape of the parcel, it is infeasible to adhere to the regulation.

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).

Due to the minimal property frontage on Crums Ln and the adjacent Manslick Rd overpass, the lot shape and topographic features make it infeasible to comply with this regulation.

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.

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

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21-VARIANCE-012

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?

The waiver will not adversely affect adjacent property owners

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the comprehensive plan as the proposed development fits the surrounding area

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

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

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 strict application of the provision of the regulation would deprive the applicant of reasonable use of the land as the shape of the parcel does not lend itself to adherence of this regulation. There is also a sanitary sewer and associated easement that does not allow the maneuvering area and proposed building to be flipped.

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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?

The waiver will not adversely affect adjacent property owners as visual screening will be provided between the proposed building and public rights-of-way.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the comprehensive plan as the proposed development fits the surrounding area.

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

The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

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 strict application of the provision of the regulation would create an unnecessary hardship as the flag-lot shape of the property does not make it feasible for the proposed buildings to be oriented towards both street frontages.

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