

**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: Section 5.7.1.B.1 to allow a portion of the proposed building within the transition zone to exceed the 45 ft maximum building height allowed

1. The variance will not adversely affect the public health, safety or welfare because, generally speaking, height variances are an issue of aesthetics, not health, safety or welfare. Nevertheless, the building where the height variance is proposed located 67 ft from the adjoining property line, which is a side setback.
2. The variance will not alter the essential character of the general vicinity because this building is a continuation of what has previously been built, including structures of this approximate height.
3. The variance will not cause a hazard or a nuisance to the public because, as stated above, height is mostly an aesthetic, not hazard or nuisance issue. But again, the 67 ft setback from the adjoining property line mitigates impacts of height.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations, but rather is a consequence of a desire to complete construction of this building as generally otherwise already initiated and mostly done.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because the proposed building represents a completion of what was long ago started and mostly completed.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of a land or would create unnecessary hardship because this project represents and attempt to complete construction of a very attractive building mostly already previously built and near completion. The style and design of the building fits well with what has already been built.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are a consequence of prior design approvals and this effort to complete the project generally as previously proposed and approved.

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