

Variance Justification:

In order to justify approval of any variance, the Planning Commission / 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 Table 5.3.1 to allow Building 2 (see site plan) to encroach into the 15 ft access easement setback.

1. The variance will not adversely affect the public health, safety or welfare because only the location of the southern tip of Building 2 creates a very slight encroachment into the 15' access easement setback and because this variance really only has aesthetic consequences for the public road when built.
2. The variance will not alter the essential character of the general vicinity because Building 2 only slightly encroaches into the roadway and is similarly situated with the other buildings on site.
3. The variance will not cause a hazard or a nuisance to the public because it is really an aesthetic with no creation of hazards or nuisances at all.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is internal to the overall development, having no impact on any other properties, and it does not have any negative impact on any other surrounding properties necessary to be protected by the regulation. It would also not be an unreasonable circumvention of the zoning regulations as it was unclear if the supplement setback applies for a proposed roadway proposed for future construction.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because Building 2 is only slightly encroaching into the roadway setback.
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 this variance is internal to the overall development, having no impact on any other properties. Compliance would require the north end of Building 2 to encroach into the LBA and setbacks adjacent to the residentially used tract.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because it is for the proposed access easement.