

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 there is an existing 6' privacy fence and a vegetative screen to block this new dumpster. The dumpster will also be enclosed in a screened enclosure.

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 the existing building is already encroaching into this setback, since it was developed under a previous Land Development Code

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 the dumpster will be screened from the public right-of-way as well as the adjacent residential property

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 the existing building is already encroaching into this setback because it was developed under the previous Land Development Code.

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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).

The variance arises from special circumstances as the existing dumpster is on fulfilling the needs of the development, so a second dumpster is necessary. The existing building is located within this setback since it was developed under a previous land development code

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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 provision would create an unnecessary hardship on the developer because the development currently provides the minium amount of parking spaces, so they could not lose a space to accommodate the dumpster. The proposed location is the most suitable for the user.

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

The existing building is located within the setback because it was developed under a previous version of the Land Development Code and this proposed dumpster location correlates with the existing building location.