

**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.

Additional building height of a reasonable amount is not a contributing factor to any impact of health or safety to the public.

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

Building height of 45' is consistent with other buildings in the Old Henry Crossing Development. Similar variances have already been approved in the vicinity of the site.

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

There is no hazard to the public that would be created by an additional 10' of building height.

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

Building height of 45' is already allowed for residential uses in this form district.

*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).

IN CONSISTENCY WITH OTHER THREE STORY BUILDINGS IN THE GENERAL VICINITY, 40' BUILDING HEIGHT WILL PROVIDE NECESSARY CLEARANCES

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.

35' BUILDING HEIGHT WOULD LIMIT A MULTI STORY OFFICE CONFIGURATION. 40' BUILDING APPROVAL WILL PROVIDE NECESSARY CLEARANCES.

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

CURRENT RESTRICTING HEIGHTS LIMIT BUILDING DESIGN CONSISTENT WITH OTHER DEVELOPMENTS IN THE OLD HENRY CROSSING AREA.

RECEIVED

JUL 06 2017

PLANNING & DESIGN SERVICES