

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.

Because the encroachment is minor and is for a street side setback adjacent to an access easement serving three parcels.

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

The subject site is located in a three parcel PEC/SW office/warehouse development. The three parcels are accessed by Chamberlain Crossing Drive which is an access easement. The small encroachment will not be noticeable.

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

Because the proposed building is located within a three parcel office/warehouse development on an access easement and the encroachment is minor it will not be noticeable to the public.

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

The encroachment is minor.

RECEIVED

APR 21 2014

PLANNING &
DESIGN SERVICES

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).**

There is a slight curve in Chamberlain Crossing Drive adjacent to the subject. The access easement should not require a street side setback because it is an internal drive lane for a three parcel development.

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.

If the building is moved 25 ft towards the existing detention basin to clear the encroachment the truckdock maneuvering area will be reduced below the optimal length needed by trucks to maneuver in and out of the dock area. The applicant needs a specific bldg width for their 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 regulation was adopted in March 2006 and the three parcels and the access easement were created in 2002.