

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 since the encroachment is existing due to the previous construction of apartments on the adjacent site at 5208 Hasbrook Dr.

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 since the encroachment is existing due to the previous construction of apartments on the adjacent site at 5208 Hasbrook Dr.

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 since the variance occurs between the apartment sites and a Cross-over Access agreement is being provided between the two lots.

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 since the parking lot and access is being shared between the two lots.

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).

Since the new apartment project is being proposed where access is provided to the original apartment site, the proposed 3' side yard setback overlaps the existing parking spaces along the north property line.

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.

Strict application of the provisions of the regulation would create an unnecessary hardship and cause the project to lose existing parking spaces.

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

Yes, but only because of the new apartment development being proposed on the lot which then affects the setbacks on the existing parking spaces.

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