

Justification of Variance Request
LDC Section 5.3.1.C.5
8907H US Highway 42

A variance of LDC Section 5.3.1.C.5 is requested to allow the proposed building to exceed the maximum allowable front building setback of 80 feet. This request is based on the following justification:

1. Explain how the variance will not adversely affect the public health, safety or welfare.

This variance will not adversely affect public health, safety or welfare, since the placement of the building would not create a safety issue, nor would the building location create traffic, drainage or other issues that would affect the public health, safety or welfare. This proposal will utilize existing access points and does not create an additional connection to the roadway.

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

This variance will not alter the essential character of the vicinity, since the proposed building is located in an area of non-residential uses that are also set back from the roadway. The roadway frontage along US Highway 42 will be landscaped per the LDC requirements, which will enhance the appearance of the property.

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

This variance will not cause a hazard or a nuisance to the public, since the placement of the building would not create a safety issue, nor would the building location create traffic, drainage or other issues that would affect the public health, safety or welfare. This proposal will utilize existing access points and does not create an additional connection to the roadway. The project does propose to promote connectivity within the vicinity through connection to existing adjacent properties, as well as construction of sidewalks along the lot frontage. Additionally, the roadway frontage along US Highway 42 will be landscaped per the LDC requirements, which will enhance the appearance of the property.

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

This variance will not allow an unreasonable circumvention of the requirements of the zoning regulations, since the proposed placement of the building allows for vehicular and pedestrian connectivity between the adjacent properties and it does not create safety issues, nor does it create a public nuisance.

Additional Consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity.

Due to the lot size, configuration, and location, to provide the required connectivity between the property at 8909 US Hwy 42 and the property at 8907 US Hwy 42, the increased building setback is necessary to provide for that connection.

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 regulation would require reconstruction of the existing shared access drive at a new location, which could create safety concerns at the existing fire department signal located south of the existing shared access drive.

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 requested variance is not the result of actions taken by the applicant. The requested variance is the result of the lot size and configuration, as well as the existing points of connectivity related to the adjacent properties north and south of the subject site.