JUSTIFICATION

To justify approval of any variance, the Board or Commission considers the following criteria.
*Please answer **ALL** of the following items. Use additional sheets if needed. Responses of **Yes, No,** or **N/A** will **NOT** be accepted.*

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

The proposed building will be designed and constructed in full compliance with all applicable building codes, fire safety regulations, and structural requirements. The modest increase in height (4 feet) does not introduce any additional safety risks related to fire access, emergency response, structural integrity, or occupancy.

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

The additional 4 feet is minimal in visual terms and will not materially change sight-lines or neighborhood character as compared to the 35 feet permitted by the Land Development Code. The buildings requiring the variance will be 3 stories tall, which is the intent of the 35 foot height permitted by the Code.

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

The slight increase in height will not generate additional noise, traffic, glare, vibration, or other impacts typically associated with hazard or nuisance conditions.

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

The deviation is minimal and narrowly tailored—only 4 feet above the permitted height—and is requested to accommodate additional independent living units while still remaining in compliance with all other applicable zoning requirements, including setbacks, use restrictions, and parking. The buildings requiring the variance will be 3 stories tall, which is the intent of the 35 foot height permitted by the Code.

5. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The special circumstance is the need for additional independent living options in our community. The minor increase in building height allows for the construction of an additional 28 housing units at the site.

6. 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 35-foot height limit would prevent 28 independent living units from being available to the community in this area.

7. Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?

The circumstances necessitating the variance are not the result of actions taken by the applicant after adoption of the zoning regulation. Rather, they arise from inherent site conditions, modern building requirements, reasonable design considerations, and the demand for independent living options in our community. The applicant has made good-faith efforts to comply with the zoning ordinance and is requesting only the minimum variance necessary to achieve a functional and code-compliant structure.