

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.

Variance of: Section 5.3.1.C.5, Table 5.3.2 to exceed the 25 ft maximum building height

1. The variance will not adversely affect the public health, safety or welfare because this is an aesthetic issue, not a public health, safety or welfare one.
2. The variance will not alter the essential character of the general vicinity because the building height is only 30 ft, not a dramatic difference from what the regulations allow and certainly height-appropriate in the Neighborhood Form District where nearby office buildings and senior care facility already exists.
3. The variance will not cause a hazard or a nuisance to the public because the height of this building is an aesthetic issue, not one that causes any kind of hazard. And the only possible nuisance is an aesthetic one, yet these are highly attractive, well-designed buildings.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations for all the reasons set forth in #2 above.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity given that there are is an office complex and senior care facility buildings of similar heights to this one.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would not be able to construct the highly attractive, well-designed office buildings.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result of the similar uses of land with similar height buildings next door and nearby, as identified hereinabove.

RECEIVED
JUL 18 2016
PLANNING & DESIGN SERVICES