

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.

- i. **Explain how the variance will not adversely affect the public health, safety or welfare.**

The variance will keep within the 10ft building limit line for the property and will not create any public health, safety or welfare concerns.

- ii. **Explain how the variance will not alter the essential character of the general vicinity.**

The variance request is similar to the adjacent property located at 328 Mockingbird Hill Road and will ~~be~~ maintain the character of the neighboring homes.

- iii. **Explain how the variance will not cause a hazard or a nuisance to the public.**

The variance will be performed on the existing property and within existing retaining wall and will not affect the public.

- iv. **Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**

The variance allows the use of the corner lot similar to adjacent property owners, maintains the 10ft building limit line and allows reasonable use of property.

Additional consideration:

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

The property is a corner lot and the 25ft set back restricts the use of the property, when a pre-existing 10ft building limit line was originally created.

- vi. **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.**

The 25ft set back restricts and is more stringent than the originally 10ft building limit line established for the neighborhood and creates a hardship for the original intent of property.

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

Yes, the original 10ft building limit line was sufficient but the new 25ft building set back line governed by Land Development Code.

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