

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.

This will not adversely affect the public health, safety and welfare because adequate screening will be provided between the subject property and the neighbor to mitigate the impact of this variance. The proposed screening (wall and landscaping) will be an improvement from existing condition

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 due to the screening that will be installed between the area of the variance request and the residential neighbor, as well as the screened from the public right-of-way.

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 due to the screening provided by the proposed wall and landscaping. This screening will be an improvement from the existing condition.

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

The variance will not allow unreasonable circumvention of the requirements of the zoning regulations because adequate mitigation will be provided to nullify the affect of the variance request on the neighbor.

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).

The variance arises from special circumstances due to the developer's intent to repurpose the existing building and due to the building construction, this proposal is the only reasonable way to utilize the existing building to serve the proposed development.

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 provision would deprive the applicant of reasonable use of the land because in order for this to function as a automobile dealership and service station (as allowed in the Highview PD) this variance must be requested.

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

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