

**NEW VARIANCE FROM SECTION 5.7.1.B.1 TO ALLOW AN INCREASE IN
THE MAXIMUM BUILDING HEIGHT IN THE TOWN CENTER FORM
DISTRICT FROM 45 FT/4-STORIES TO 50 FT/4-STORIES**

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. The variance will not adversely affect the public health, safety or welfare because the only affected properties are Ballard High School, which is across Herr Lane from the subject property, a church and office/retail buildings which are to the west of the subject property, the artificial breeding business which is to the south of the subject property, and the gas station/convenience store, Paul's Fruit Market and McDonald's all to the north of the subject property. These are commercial uses which ordinarily are not adversely impacted by variations in height like this.
2. The variance will not alter the essential character of the general vicinity because the only affected properties are those mentioned in number 1 above, and height greater than that on the adjoining properties is already allowed by this form district. The added 5 feet requested by this variance barely changes that and represents a modest design alteration that arguably naturally improves aesthetics.
3. The variance will not cause a hazard or a nuisance to the public because the 5 feet of added height over and above what is already allowed in this form district cannot possibly negatively impact the commercial and institutional uses referenced above which are the only adjoining ones.
4. The variance will not allow an unreasonable circumvention of the requirement of the zoning regulations because the small additional height request is simply intended to accommodate higher internal ceilings and a slightly greater roof pitch than would be necessitated if the added 5 feet were disallowed.

Additional consideration:

1. The Variance arises from a special circumstance, which does not generally apply to land in the general vicinity, which is the fact that the supposedly "affected" properties are the large institutional and office/retail uses mentioned above and the fact that contemporary building design and construction practices generally call for slightly higher ceiling heights and roof pitches than in times past.

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-developer would have to lower ceiling heights and lessen roof pitches.
3. The circumstances are not the result of actions of the applicant but rather are the result of contemporary design preferences of greater ceiling heights and roof pitches than and when some of these standards were first adopted.