

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.

Granting the variance will not have an adverse effect on the public health, safety or welfare. The proposal still provides for safe movement of pedestrians and motorists into and around the site.

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

Granting the variance will not alter the essential character of the vicinity as the parking area and dumpster enclosure will be screened from view from the adjacent properties.

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

Granting the variance will not cause a hazard to the public as the design incorporates safe movements and appropriate spacing within the parking area near the proposed building.

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

Granting the variance will not allow an unreasonable circumvention of the zoning regulations as the proposed improvements will still be located a significant distance from adjacent roads due to significant right-of-way dedications associated with this development plan.

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).

This site is rather shallow at only 160'. This site is adjacent to a regional detention basin that is zoned R-4 and because of the basin's zoning classification a more significant setback requirement is triggered.

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.

The strict application of the provisions of the regulation would deprive the applicant of reasonable use of a sizable portion of the subject property. The proposal will result in an attractive, desirable neighborhood serving land use that will be an asset to the community.

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

All of the circumstances mentioned in this justification statement existed on the site well before this applicant became associated with the property.

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PLANNING & DESIGN SERVICES