

VARIANCE JUSTIFICATION STATEMENT

Riverport Development, LLC

4646 Cane Run Road

The proposed variance, which will permit the applicant to exceed the 80' maximum front yard setback requirement from Cane Run Road, will not adversely affect the public health, safety or welfare. The applicant proposes to develop this vacant site into a childcare center for the surrounding community. Currently, there are only two childcare centers within a 1.5 mile radius of the proposed development.

The variance will not alter the essential character of the general vicinity. The subject property is located along Cane Run Road, at the entrance of the Riverport Landings Family and Riverport Landings Family Scholar House and across the street from single family residential neighborhoods. The applicant is seeking a variance for the building to exceed the maximum setback requirement in order to allow the vehicle parking for the building to be located at the front of the site and the outdoor play area at the rear of the site. This creates an additional buffer for the childcare center from Cane Run Road and removes vehicle parking and traffic adjacent to the outdoor play area.

The variance will not cause a hazard or nuisance to the public. The variance will not have any adverse impact on the adjacent property owners. The proposed development includes a sidewalk connection to an existing walking path, connecting the childcare center to the Riverport Landings apartment complex, increasing connectivity and mobility in the area. The proposed variance will allow the applicant to construct the proposed structure closer to the Riverport Landings apartment complex and increase the safety of pedestrians and those attending the childcare.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to exceed the maximum setback requirement as minimally as necessary.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The subject property is located between a small park at the center of Riverport Landings and Cane Run Road. The proposed development offers the best design solution by having the outdoor play area nearer to the park and the parking and maneuvering area nearer to the road.

The strict application of the regulations will create an unnecessary hardship. Strict application of the regulations would force the applicant to place the outdoor play area and proposed structure closer to Cane Run Road, requiring a break-up of the vehicle parking area and vehicle traffic adjacent to the outdoor play area.

The circumstances are not the result of the actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.