

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.

The proposed Minor Subdivision Plat property line will separate two existing buildings that already have two separate addresses, 509 Barret Avenue and 514 Baxter Avenue. Both buildings are owned by the same person.

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

The proposed property line will only separate two existing buildings, each with a separate address, that are located on one parcel of land. Currently both buildings are owned by the same person. There is a potential buyer that only wants to purchase one of the buildings.

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

The proposed property line will only separate two existing buildings.

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

The two buildings are existing and need to be separated for the sale of one building.

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 creation of the minor subdivision plat property line is intended to separate two existing buildings that abut each other, thus automatically triggering a setback encroachment.

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 property owner would not be able to sell one of the existing building separately thus leaving him with the financial responsibilities of the vacant building and difficulties to find another buyer.

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

The buildings were built prior to the LDC and setback requirements.