

APR 09 2018

**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 requested variance will not adversely affect the public health, safety or welfare since the encroachment follows the existing building pattern on the site and the existing parking along the Preston Highway ROW.

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

The requested variance will not alter the essential character of the general vicinity since the encroachment into the required yard follows an existing pattern of parking and buildings constructed at or near the property boundaries along Preston Highway.

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

The requested variance will not cause a hazard or nuisance to the public since the encroachment follows the existing building pattern on the site and the existing parking along the Preston Highway ROW.

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

The requested variance will not allow an unreasonable circumvention of the zoning regulations since the encroachment into follows an existing pattern of construction on the site with the building and parking located at the ROW line along the Preston Highway frontage of the subject site.

*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 the narrower ROW and distance from centerline for this lot along Preston Highway that has been established.

**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 the land since the yard would reduce the usable areas of the lot for the building area and the associated needed parking.

**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 circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought since the lot with established ROW existed prior to the adoption of the current zoning regulation.

*10 Variance 10/19*