

### **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 rear of the project abuts CSX railroad track right of way

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

See answer to item one above. By adding the cooler, shed and fence we will be screening the train track and rolling stock.

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

These features are along the rear property line and separate the public from the grade change and train traffic hazard.

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

The existing building is in non-conforming property as a portion of the existing building is beyond the rear property line.

*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).**

Due to the triangular shape of the property, building a shed and cooler to respect the maximum front setback would sacrifice limited parking and not be contiguous to the rear location of the kitchen.

**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 is land locked on all sides except this side and is adjacent to the restaurant's current undersized cooler/freezer. To provide for an efficient use of the kitchen the Owner needs additional capacity to serve its customers. Alternate solutions would negatively impact limited on-site 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?**

No

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