

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 variance will have no affect whatsoever on the public health, safety and welfare in fact there will be improved site distances as a result of the variance.

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

The existing building on the site is currently further from the street corner than that which is being proposed. None of the buildings on the adjacent properties are currently no buildings at

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

The proposed plan has been approved by the various agencies as it will have no negative public impacts.

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

It is not unreasonable to request a variance that will allow for the redevelopment of a defunct service station at this 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).

This property lies at the edge of the commercial development along New Cut Road, the variance will result in the building edge being 50' further south and further from the single family residence across Woodmore Avenue.

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.

It would be impossible to provide a drive-thru to the proposed building which has become essential to the owners proposed use and many commercial uses in recent times.

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, the circumstances result from changes in commercial use patterns, i.e. the essential requirement for a drive-thru in order to have a viable business at the site.