

Variance Attachment

1) Explain how the variance will not adversely affect the public health, safety or welfare.

Granting the requested variance will not adversely affect the public health, safety or welfare because the request allows the proposed building to extend across the frontage of the property along South Preston Street eliminating the opportunity for uninvited “foot traffic” along that side of the building. Even if fenced this can be a hard to manage area. Denial will require the applicant to reduce his proposed building square footage, and create a ten foot space behind his building extending from South Preston Street to his loading / maneuvering area, requiring the applicant to fence and monitor this area.

The architect has also provided a letter explaining how the proposed building will meet the requirements of the building code and fire protection standards.

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

Granting the requested variance will not alter the essential character of the general vicinity because this area is principally developed with buildings extending the majority if not the entire lot width. This is true of the industrial, commercial and single family properties in this area.

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

Granting the requested variance will not cause a hazard or a nuisance to the public because as stated above this will prevent the creation of an underutilized area that will be difficult to and or expensive to manage effectively.

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

Granting the requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the applicant is following the appropriate public process to make this request and the applicant’s request is as stated above proposes to develop this property similar to the general manner of other buildings have been developed in the area.

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 is situated in the Traditional Neighborhood Form District and is zoned M-2, as are the abutting properties. Further, this property is in an older portion of the City, and most buildings in this area predate the current zoning regulations.

- 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.**

Denial of this request would force the developer to reduce the proposed square footage of the building and would offer no positive benefit to the community. Further, if the applicant cannot meet his needs for space he may be forced to find another property. Granting the request will provide the applicant the opportunity to expand his business and meet his needs and remain in this area.

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

As previously stated this property is situated in the Traditional Neighborhood Form District and is zoned M-2, as are the abutting properties. Further, this property is in an older portion of the City, and most buildings in this area predate the current zoning regulations. While his plans for the building are based on his actions, the pre-established manner of development in the area, as well as the lots sizes and configurations are not resulting from his actions.