

JUSTIFICATION

To justify approval of any variance, the Planning Commission considers the following criteria. Please answer **all** the following items. Use additional sheets if needed. Responses of **yes, no, or n/a** will **not** be accepted.

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

The infill 1st Floor area will have a fire rated wall adjacent to the property line without windows and conform to the setback of the existing, overhead 2nd floor. This infill will improve the adjacency to the single family home next door.

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

The variance will reinforce the essential traditional character by conforming to the zero side yard precedent common to this existing corner store building and most residential & commercial buildings in the neighborhood.

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

The left rear corner of the existing corner store building is not visible to public view from either E Ormsby Ave (primary street) or S Hancock St (side street). For the immediate next door residential property, the variance will improve upon pre-existing conditions

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

For C-2 zoning, by ordinance the side yard setback is 0 feet except 5 feet when adjacent to a single family home. The existing corner store building has a nonconforming setback common the the traditional neighborhood, even when adjacent to a single family home. Granting the variance will allow for a setback that conforms to the existing setback while not otherwise circumventing the general intent of the regulations.

Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

Having the unenclosed area below a second level of occupied space is not typical to the general vicinity. This atypical condition is unique to the property with pre-existing setbacks and adjacency of single family use.

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.

With strict application, all of the 1st floor area could be enclosed except for the portion within the 5' side yard setback resulting in hardship and unreasonable land use. This while the pre-existing 2nd floor conforms to the reduced setback of the existing building.

Are the circumstances the result of actions of the applicant taken *after* the adoption of the regulation from which relief is sought?

The current circumstances relate to the building's original commercial/residential mixed use which was built with adjacency to a single family home. These circumstances and the related setbacks predate the adoption of the current regulation.