

## ZONING VARIANCE RESPONSES TO THE 5 QUESTIONS

- 1) Granting of this variance has no impact on the public interest. The building used for business purposes is located 400 feet back from a NH State road and is mostly invisible from the road. The business does not have any employees nor do customers come to the property for business purposes. All the work of the business is performed at locations away from the business premise. No operations performed by the business create a threat to public health, safety, or welfare.
- 2) The property located at 166 Amherst Street has and will continue to be highly maintained. We have taken care to ensure that the visibility of business property is minimized by locating all of it at the rear of the property. We maintain hours of operation that do not adversely effect any of our neighbors and in fact, have been retained by many of our neighbors to work at their homes. We would reiterate that the work performed by this business is done at other locations.
- 3) Substantial justice would be done by granting the variance to allow J.L. Sickler Construction to **Continue** to operate from this location. J.L. Sickler Construction has been in business at 166 Amherst Street for 25+ years. There is no evidence that it has ever caused harm to either individuals or the general public. To the best of our knowledge no one has ever reported a complaint to the Zoning Department. We were required to initiate this application due to a complaint from a fellow contractor who had already been approached with regard to his own alleged violation of the zoning ordinance pertaining to properties in the rural residential zone.  
Further, the business has operated at this location in a building permitted in 2003 by a prior zoning board with the knowledge that the business was located at the property.
- 4) There is no evidence that this property has or will diminish the value of the surrounding properties. The careful maintenance and upkeep of our property only adds value to the surrounding properties.
- 5) A. Literal enforcement of the provisions of the Ordinance would deprive us of the use of several acres of property, for which we pay a substantial sum of property taxes to the Town of Amherst, where we store business equipment in a secure, enclosed building and maintain a small office for administrative work. Use of the premise enables us to avoid the substantial costs of a secure, off premise location. Given the size of the property, its location on a state road, the location of the building used for business on the property, and the fact that in 25 years of conducting business at the property no one in the general public has raised an issue with any activity at the property, it would be reasonable to grant this variance to allow J.L. Sickler Construction to continue to conduct business from that location.  
B. Requiring J.L. Sickler Construction to adhere to strict conformance with the ordinance would necessitate moving the business to another location, assuming a comparable property could be located in the Town of Amherst. Failure to grant the variance would cause significant personal and financial hardship. As the sole owner/operator of J.L. Sickler Construction the impact to the company's revenue would likely be sufficient as to necessitate that the business would be closed.