

**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 bowling pin height of 17' will not adversely affect the public health, safety and welfare as it is located to left of the entrance and is not visible from Outer Loop.

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

This will not alter the essential character of the general vicinity as it is art but because same is on the sculpture, it is being considered a sign.

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

This is to the left of the main entrance to the building and it will not be a hazard or nuisance.

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

The regulations allow the bowling pin as art but due to the name being on it, it is considered a sign.

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*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).**

Special circumstances are that this customer has space at the rear of the mall without any visibility from the main thoroughfare.

**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.**

This variance being applied for to give the applicant visibility from the access road around the mall property.

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

We are requesting relief so the public can identify the business from the access road - bowling pin would assist in this request.

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

This waiver will not adversely affect adjacent property owners as the bowling pin is not internally illuminated.

**2. Will the waiver violate the Comprehensive Plan?**

This waiver will not violate the comprehensive plan as the square footage of the name of the business is less than what is allowed for a free standing sign.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

Due to this sculpture being of cylindrical shape, rather than a flat surface, a sign waiver is being requested.

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**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

We are requesting this waiver as the customer will not have a free standing sign on the main road, and this will help direct the traffic once on the access road to see where the entrance into the business is located.