

**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.**

Granting the variance will not adversely affect the public health, safety or welfare. The building will be pushed back from Broadway an additional 10' more than required so there will be no negative effects on pedestrians or motorists traveling to, from or nearby the subject property.

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

Granting the variance will not alter the essential character of the general vicinity as the proposed building location is consistent with the established development pattern in this area. In fact, the proposed buildings, even with this requested variance, will be more in compliance with the current Land Development Code than several buildings in the vicinity.

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

Granting the variance will not adversely affect the public health, safety or welfare. The building will be pushed back from Broadway and additional 10' more than required so there will be no negative effects on pedestrians or motorists traveling to, from or nearby the subject property.

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

Granting the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The request being made is the minimum necessary to allow a reasonable and efficient site design.

*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 and many others along this corridor were originally developed in a more suburban style prior to the area being classified as a traditional form district. Many businesses in this area rely on drive-thrus in order to be successful and it is not possible to have a drive-thru while maintaining a 5' maximum setback.

**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.**

The strict application of the provisions of the regulation deprive the applicant of the ability develop his property in a similar fashion to other drive-thru oriented businesses in this immediate area.

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

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The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the applicable regulations. Even with the granting of this variance, this property will be developed more in compliance with the traditional form district requirements than the vast majority of the existing development in the area.

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