

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 granting of these variances will not adversely affect the public health, safety or welfare. The encroaching drive-thru lane will be located behind a retaining wall and at a higher elevation than the travel lane of Major Lane so there will not be public safety issue created by this design. The additional signage will actually have a positive impact on public safety as it is necessary for motorists to safely navigate to the site.

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

Granting these variances will not alter the essential character of the general vicinity. The impact of the minor encroachment will hardly be noticeable to the residents and patrons in this area. The additional signage is not so egregious that it will still be compatible with the area.

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

Granting these variances will not cause a hazard or a nuisance to the public. The retaining wall and elevation change will prohibit any dangerous conflicts from occurring between drive-thru motorists and pedestrians and motorists traveling along Major Lane. The additional signage will improve safety for motorists trying to identify the businesses on the site.

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

Granting the variances will not allow an unreasonable circumvention of the requirements of the zoning regulations. The requests being made are 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).

Special circumstances that are unique to this parcel include the fact that this is a multi-tenant parcel and additional signage is necessary to safely advertise its five businesses. The remainder of the businesses in the center are each located on their own parcel and each are allowed to have their own 6' tall, 60 square foot sign, while Tract 3 can not adequately advertise five businesses within a 6' tall, 60 square foot sign. The elevation change at the rear of the site is also a special circumstance that presents design challenges unique to this parcel.

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 regulations would not allow this desirable land use to be located on this site and the additional signage is necessary for the multiple tenants on the tract to be not only successful, but also identifiable to the public.

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

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the applicable regulations. The original development plan for the center was approved several years ago and the changes proposed on this revision are necessary in order to provide desirable neighborhood services to the community in a safe manner.

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