

**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 variance will not adversely affect public health, safety or welfare because the location of the building being outside of the Hartlage Ct setback range does not impact any of those aspects of public well-being.

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

The proposed variance will not alter the essential character of the general vicinity because the key aspect of the commercial corridor is that the developments relate to Cane Run Rd, which setback range the proposed plan is in compliance with.

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

The variance will not cause a hazard or a nuisance to the public because the proposed layout is an improvement to the existing condition by providing better visibility at the Hartlage Ct and Cane Run Rd intersection.

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

The variance will not allow an unreasonable circumvention of the zoning regulations as the development relates moreso to the main road frontage (Cane Run Rd.) and falls within that building setback range. The relationship to Hartlage Ct is less crucial since the uses that establish the building setback range along that frontage are not similar to the proposed use. If this site was not deemed as infill on both road frontages, the setbacks provided would be in compliance with the LDC.

*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).**

The variance arises from special circumstance because there is not a site layout for the proposed use that could satisfy the infill setback requirements and still function as required by the national brand.

**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 deprive the applicant of reasonable use of the land since the use could not function per the national brand standards, although the property is appropriately zoned for the proposed use.

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

N/A

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FEB 24 2020  
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