

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.

Because the existing retail / restaurant building was at the same setback previously.

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

Because the existing retail / restaurant building was at the same setback previously.

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

Because the existing retail / restaurant building was at the same setback previously.

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

Because the existing retail / restaurant building was at the same setback previously therefore at sometime in regulation this was permitted.

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).

Because the existing retail / restaurant building was at the same setback previously therefore at sometime in regulation this was permitted.

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.

By moving the building forward from the requested setback the parking and vehicular circulation would prevent the development from happening based on the intended use of the indoor soccer facility due to property size.

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 proposed building is located at the same setback of the existing retail / restaurant building setback previously therefore at sometime in regulation this was permitted.