

Variance Findings of Fact

Variance 1: Drive-thru canopy encroachment to minimum primary structure side yard setback line.

Provided: The setback requirement is 15' and the current plans show 10.8' off of the property line for the order point canopy. The canopy for order pickup is meeting the setback requirements.

- **General Welfare:** The drive-thru canopy will not be injurious to the public health, safety, morals, and general welfare of the community. It will provide a better drive-thru experience for customers utilizing the exterior drive-thru lane during harsh weather conditions.
- **Adjacent Property:** The use and value of the development to the north will not be adversely affected. The development to the north is also a commercial use. This is an open sided structure so it will not present the same visual massing a typical primary structure.
- **Practical Difficulty:** In order to meet the setback requirement, we would have to remove the portion of the canopy that is covering the exterior drive-thru lane which would cause operational issues with employees during bad weather and a less pleasant ordering experience for customers. Shifting the building south is not feasible because we are already abutting the southern parking setback and meeting minimum drive aisle and parking size requirements. The drive-thru length is being maximized to create safer and more efficient traffic circulation through the site.

Variance 2: Visibility of dumpster from public ROW.

Provided: The dumpster is located near the southwest corner of the primary structure.

- **General Welfare:** The dumpster location will not be injurious to the public health, safety, morals, and general welfare of the community. ADA routing and compliant slopes are provided for the dumpster use. The dumpster will not block off any site vision triangles for vehicular traffic.
- **Adjacent Property:** The use and value of adjacent properties will not be adversely affected. The adjacent lots are also commercial use and will likewise need dumpster enclosures to service their properties. Since this site is a corner lot, we are limited in options for the dumpster location and believe where it is placed will minimize visibility from the adjacent rights of ways.
- **Practical Difficulty:** We have a corner lot and are a drive-thru use. Due to the configuration of the parcel, we are limited to placing the dumpster near the western and northern property lines because the east and south lines are Right-of-Way. Due to the use of the site requiring a drive-thru component, the dumpster location is further limited.