

**VARIANCE JUSTIFICATION STATEMENT
FOR 530 ATWOOD**

The proposed variance is a variance from Section 5.4.1(D) of the Land Development Code to allow reduction of the private yard area.

The proposed variance will not adversely affect the public health, safety or welfare as the variance is to reduce the private yard area below 30% of the subject property. In addition, the subject property contains additional yard areas that do not count as private yard area, but are in excess of those otherwise required.

The proposed variance will not alter the essential character of the general vicinity, but will allow for the creative re-development of this urban property. As explained in the Justification Statement regarding the rezoning application, this particular structure is dilapidated and this site is in need of rehabilitation. The applicant's proposal to redevelop the subject property attempts to hie to the traditional residential design standards.

This minimal reduction in private yard area will not cause a hazard or a nuisance to the public, but will aid in the re-development of a building that is currently unusable and unsafe.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations, as the applicant has incorporated other design measures that exceed the minimums of the district and compensate for the non-compliance with the regulation. The applicant is also proposing to maintain open space in areas that do not get credited toward the 30% private yard requirement but are, in fact, private yard areas.

This proposed variance arises from the special circumstances in that the subject property needs additional property to meet the needs of the development. Accordingly, the footprint of the private yard area must be reduced to meet the needs of this multi-use development.

RECEIVED
MAY 17 2011
PLANNING &
DESIGN SERVICES