

**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.**

Allowing the the Food Port buildings to be further away from the streets will actually benefit the community as truck traffic will occur further away from the right-of-way and allow for the development of community spaces such as the food truck plaza and demonstration farm.

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

There is not a façade of buildings along this street scape that will be disrupted by this request. In addition, the hope is to create public spaces that improves the character of the general vicinity. Also, the large, vacant industrial building directly across the street is located beyond the 25-foot setback.

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

The location of the buidlings away from the street frontage is part of an innovative site design that will create open and useful public spaces and synergies between the neighborhood and the business located on site and will not cause any sort of nuisance or hazard.

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

The variance is not unreasonable as it will allow for the reuse of a vacant brownfield lot and the revitalization of a number of adjacent neighborhoods with minimal harm.

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*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 Food Port developers have created our parcel as part of the innovative design of the entire 24-acre site. This double-triangular design is in part designed to overcome the presence of two large main sewer lines bifurcating the property that create numerous design challenges for 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 application of the provisions of this regulation would create an unnecessary hardship as it would prevent the full actualization of site uses (farm, plaza, garden, business delivery routes, etc...).

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

Yes, this is new construction to an existing site.

*SPERAN/08*

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

No the waiver relates to internal site uses and will not adversely affect adjacent property owners. The proposed innovative design of the site is intended to revitalize and re-use the property and is vast improvement over the current vacant lot. Furthermore, the function and nature of the proposed design minimizes large areas of parking and incorporates vehicle use areas into the site so as to minimize their visual impact on the site.

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**2. Will the waiver violate the Comprehensive Plan?**

No, the proposed waiver is consistent with the goals and objectives of the Comprehensive Plan. For instance, Goal G1 of the Traditional Workplace Form District states that it is, in part, intended to support the redevelopment and enhancement of existing traditional and suburban workplaces. Goal G3 also states that there is a desire to “encourage[s] adaptive reuse and reinvestment.” Finally, Goal G4 states in part that wants to “encourage innovation and flexibility in site design.” Thus, the overall aim of the Comprehensive Plan and the Traditional Workplace Form District is amply addressed and the waiver does not violate the concepts embedded in the Comprehensive Plan.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes, part of the design is driven by the reality of two (2) large sanitary sewer lines crossing the site in separate locations parallel to West Market Street. In order to meet the design goal of the proposed project and overcome the site constraints in place this waiver is needed and is the minimum necessary to provide relief.

**4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The unique and innovative site design that incorporates numerous site enhancements such as a plaza, a garden, a farm and sky-bridge to create a nationally unique site more than exceeds district minimums and serves to compensate for non-compliance with the requirements that are to be waived. In addition, strict application of the provisions of the regulation would deprive the applicant of the ability to use the land for a FoodPort.

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**1. Will the waiver adversely affect adjacent property owners?**

No the waiver relates to internal site uses and will not adversely affect adjacent property owners. The proposed innovative design of the site is intended to revitalize and re-use the property and is vast improvement over the current vacant lot. Furthermore, the function and nature of the proposed design compensates for the requirement for buildings to be parallel to the street and provides an enhancement to the neighborhood that does not detract from neighboring buildings.

**2. Will the waiver violate the Comprehensive Plan?**

No, the proposed waiver is consistent with the goals and objectives of the Comprehensive Plan. For instance, Goal G1 of the Traditional Workplace Form District states that it is, in part, intended to support the redevelopment and enhancement of existing traditional and suburban workplaces. Goal G3 also states that there is a desire to “encourage[s] adaptive reuse and reinvestment.” Finally, Goal G4 states in part that wants to “encourage innovation and flexibility in site design.” Thus, the overall aim of the Comprehensive Plan and the Traditional Workplace Form District is amply addressed and the waiver does not violate the concepts embedded in the Comprehensive Plan.

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*(Signature)*