

Variance (attachment)

The owner / applicant is requesting two similar variances. The first variance is to allow the proposed building to encroach into the required front / street side yard along Old Lagrange Road and the existing railroad. The second variance is to allow the proposed building to encroach in to the street side yard along an internal access drive easement that leads consumers through the commercial subdivision / retail center.

1. Because the request is an out lot within the limits of an existing retail center with an approved general plan, and is generally in keeping with the parking and drive layout and flow, and land use, granting the proposed variances will not affect the public health, safety or welfare.
2. The existing structures on adjacent lots are closer than the current required setbacks. Further the approved general plan did depict a building on the subject lot that was less than the required distance from the access easement. Granting the requested variances will not negatively affect the general public or the character of the area.
3. Because the building is within a curbed area and not intruded into any vehicular or pedestrian ways, granting the requested variances will not cause any hazard or nuisance to the public.
4. For the reasons given above this is not a circumvention of the requirements but rather an attempt to develop the property in a way that it is economically feasible while not noticeably impacting the neighborhood or consumer.

The current situation is a result of the applicant's actions because it is his building design. However, the variance is relief to a regulation that would hinder the development of this out lot. The out lot is a recorded lot. The developer is attempting to develop this lot and felt that it would be best to request two variances providing a little less green space along the Old Lagrange Road side of the building and a little more green space on the internal drive that will see the most traffic. The Old Lagrange Road side is a local road that runs along the side of this development and the railroad. This roadway sees little traffic.

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