

1.) Explain how the variance will not adversely affect the public health safety or welfare.

Permitting the retaining wall to exceed 4 ft. height allowed under the LDC will alter only aesthetic and visual conditions and will not alter characteristics, which would exist with construction of a wall of the permitted height, that would result in a detriment to the public health safety and welfare

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

Due to the topography and geology of the project vicinity, it is not unusual for homes and buildings to have first floor elevations substantially above the road. Bridging these grade differences is routinely accomplished with steep ground slopes, retaining walls or a combination of the two. As such the permitting some additional wall height will not alter the character of the area.

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

Provided arrangements are made to prevent inadvertent falling, the construction of the 6-10' wall does not create any additional hazards than construction of a permitted 4'-0" wall.

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

The requested variance does not impact primary questions such as use, density or scale, but simply permits Catholic Cemeteries to further appropriate and fitting reuse of an existing and valuable structure.

Additional considerations

1.) Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity

The opportunity for Catholic Cemeteries to utilize the existing chapel on the Carmelite property is unique due to the facts that the properties are adjacent permitting easy cross access, of complementary purpose religious in nature and share a common history. The Archdiocese originally sold the property to the Carmelite Order with the understanding that in the event that the monastery closed, the property would be again sold back to the archdiocese.

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.

Rejection of the request for the added retaining wall height will prevent Catholic Cemeteries from constructing adequate parking and access of appropriate design to comfortably serve visitors to the chapel many of whom are elderly and handicapped.

RECEIVED  
DEC 22 2017  
PLANNING &  
DESIGN SERVICES

17 CUP 1114

3.) Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought.

Calvary cemetery has been operation at the current site for over 100 years. The Carmelite facility was constructed in 1950. The conditions of the construction on the Carmelite property proceeded independent of consideration of a future closing.

RECEIVED  
DEC 22 2017  
PLANNING &  
DESIGN SERVICES

17 CUP 1114