



Landscape Waiver Justification (Revised June 20, 2019)

Property Owner: Pin-Realty, LLC
Applicant: Pin-Realty, LLC
Case No.: 19ZONE1003
Location: 1692 Mercer Avenue
Engineer: Prism Engineering & Design Group, LLC.
Proposed Use: Private Administrative Office for VisionFirst Eyecare Billing Staff
Requests: Waiver of LDC Section 10.2.4.A

Introductory Statement

Pin-Realty, LLC, proposes a change in zoning from the existing R-5 zoning to the proposed OR zoning classification for the property located at 1692 Mercer Avenue. The existing residence is proposed to be used as administrative office space for VisionFirst Eyecare which is located at 4000 Poplar Level Road, and abuts the 1692 Mercer Avenue site.

At its Poplar Level Road location, VisionFirst Eyecare provides patient care, but also provides eyeglass lens preparation and billing services for all of its office locations. VisionFirst Eyecare has grown over the years and is proposing to utilize the existing structure at 1692 Mercer Avenue as administrative office space. Patients would not be seen in this office and no changes would be made to the exterior of the structure, nor to the site. No signage and no additional lighting will be necessary.

The applicant had approached planning staff to discuss the possibility of utilizing a conditional use permit per LDC section 4.2.20, which allows an optometrist to operate in an R-5 zone under certain conditions. Staff determined, at that time, that a conditional use permit would not be an option for this site, even though the proposed use is directly related to the optometrist office and the proposed use would be a less intense use than that allowed by the conditional use permit. Moreover, the conditional use permit would have allowed the existing R-5 zoning to remain.

The existing property known as 1692 Mercer Avenue is comprised on three separate parcels. Each of the existing parcels is currently zoned R-5, therefore, a change in zoning with respect to all three parcels is requested.

Will the waiver adversely affect adjacent property owners?

The applicant proposes to maintain the existing landscaping on the property in its current condition and configuration. The existing landscaping is complementary to the existing structure and the neighborhood. The applicant proposes to use the existing structure without any changes to the exterior of the structure or any changes to the site, which will allow the property to remain with its residential character and appeal.

The existing landscaping is typical of the neighborhood and if the additional screening and additional landscaping is installed per the Land Development Code, then the property will be

separated from the neighborhood and no longer fit the character of the surrounding area. Plan 2040 encourages preservation of existing landscapes, which is the intent of the applicant's proposal. Strict application of the Land Development Code seems to be contrary to the intent of the comprehensive plan for this site, as it would separate the site from the residential character of the neighborhood.

In addition, the applicant's waiver request was discussed at the Neighborhood Meeting. The neighbors voiced their approval of the request and it was discussed that the neighbors would prefer to keep the property in its current condition, so that it remains part of the neighborhood.

Will the waiver violate the Comprehensive Plan?

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

The applicant's request is the minimum necessary to afford relief to the applicant. The applicant's goal is to use the existing structure for private office space, without separation of the property from the neighborhood.

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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 reasonable use of the land or would create an unnecessary hardship on the applicant?

The applicant intends to use the existing residential structure in its current exterior condition. There would be no exterior changes that would cause this structure to stand out as an office use in a residential area. Office staff will not park on the site, as staff will park in other VisionFirst Eyecare parking areas. Additionally, the subject site is located across Mercer Avenue from the existing Holy Family Parish facility, with buildings and parking areas that are more office/institutional in their design and configuration.

The comprehensive plan encourages the preservation of existing landscapes. The applicant proposes to maintain the existing site landscaping as it currently exists, so that the character of the property remains unchanged. Strictly following the Land Development Code would require extensive screening and buffering between this site and the adjoining residential use, which would seem somewhat contrary to Plan 2040 recommendations. Therefore, strict application of the regulations would create unnecessary hardship on the applicant and would, more so, affect the character of the neighborhood.