

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.

The existing building setback location will allow the provision of an outdoor terrace for dining and activities and parking and will not affect public health safety or welfare.

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

The renovation of the existing warehouse / historical structure and outdoor dining will enhance the neighborhood and character of the area.

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

The renovation of the existing warehouse / historical structure and outdoor dining will not cause a hazard or nuisance but actually will be a desirable destination for Pizza, Feature Tacos, and craft ice cream for the neighborhood in a safe environment.

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

The proposed development will adhere to all other MSD, Landscape, Planning and zoning requirements shy of setback requirements due to the location of the existing building.

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 special circumstance is the location of the existing historical structure that is a historic property.

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 provisions of this regulation would not allow the owner the ability to restore a historical structure that is part of the fabric of the neighborhood and possibly prevent the project from becoming a reality that would be a major enhancement to the area and provide the area with food and entertainment.

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

Yes.

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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.

The dumpster is located in an area that is out of view of the public right away and is accessible to for sanitation dump trucks.

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

The dumpster is located in an area that is out of view of the public right of way and will have an enclosure.

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

The dumpster location has a strait access from the alley and trucks accessing the dumpster will not have to cross any parking lots that could conflict with public access.

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

The dumpster location and enclosure will comply with zoning regulations of screening requirements.

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).

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.

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

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 because the existing building is being repurposed and the parking (for the existing gas station towards the front of the property that is to be removed), existed up along the street so there really isn't any affect on adjacent property owners.

2. Will the waiver violate the Comprehensive Plan?

We feel that the waiver does not violate the comprehensive plan but reinforce the comprehensive plan.

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

Yes, Shy of removing the existing gas station, we are repurposing the existing parking area that already exists in place.

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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?

A, We believe that the project incorporates design features that enhance the area (Pedestrian Friendly environment, Bicycle parking, Athstetic parking screening, historical repurposing of a historical structure.) B. Strict application of these provisions would negate this project going forward.