

VARIANCE JUSTIFICATION STATEMENT

LDG Development

2900 West Chestnut St. and 2901, 2919, and 2929 Magazine St.

The proposed variances, which will permit the applicant to exceed the maximum building height by 11.5 feet and to encroach into the required front yard, will not adversely affect the public health, safety or welfare. The applicant proposes to develop the subject property into a four-story multifamily apartment building with 283 dwelling units surrounding a parking area. The 11.5 foot variance from the maximum building height will not result in any adverse impacts on public health, safety, for welfare as applicant proposes a four-story building and the Land Development Code permits a building height of 40.5 feet. The reason for the height variance is to allow the applicant to provide higher ceilings within the dwelling units. The front yard encroachment will allow the applicant to bring the proposed apartment building all the way out to the existing sidewalk, as is consistent with the current use and the goals and objectives of the Comprehensive Plan for the Traditional Neighborhood Form District.

The variances will not alter the essential character of the general vicinity as the proposed height variance will permit the proposed apartment building to exceed the maximum building height by only 11.5 feet. A five-story multi-family apartment building sits directly across Magazine Street from the subject properties. Furthermore, the variances will permit the applicant to convert an existing industrial use into a 283 unit apartment building on properties that are within the Traditional Neighborhood Form District, which is “characterized by predominantly residential uses.” The front yard encroachment is consistent with the current use and the goals and objectives of the Comprehensive Plan.

The variances will not cause a hazard or nuisance to the public. The height variance will not have any adverse impact on the sightlines of adjacent property owners as there is already a five-story apartment building across the street. The front yard variance is consistent with the current use and the goals and objectives of the Comprehensive Plan.

The variances will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will allow the applicant to provide 283 high-quality dwelling units to the area in a building that is no taller than an apartment building across Magazine Street, and that is built out to the sidewalk consistent with the current use and the goals and objectives of the Comprehensive Plan.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposal calls for development of four separate tracts that comprise an entire city block into a four-story apartment buildings with 283 dwelling units, which requires a variance of only 11.5 feet from the maximum building height and encroachment into the required front yard consistent with the current use.

The strict application of the regulations would create an unnecessary hardship because the applicant is requesting only an 11.5 foot variance from the maximum building height and

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front yard encroachment consistent with the current use. Strict application of the regulations would force the applicant to reduce the size of the proposed residential development.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed the subject property.

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