

VARIANCE REQUEST

A REQUEST FOR A VARIANCE FROM LAND DEVELOPMENT CODE §5.2.2.C.1.a. and Table 5.2.2 TO ALLOW THE BUILDING TO BE SET BACK 147-FEET FROM SOUTH THIRD STREET (WHICH IS GREATER THAN AS SPECIFIED (i.e., MAXIMUM FRONT YARD IS 25-FEET, AND MINIMUM FRONT YARD IS 15-FEET).

Thorntons Inc.
4500, 4506 and 4508 South Third Street

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1. State the reasons that the granting of the variance:

APR 27 2015

A. WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE. PLANNING & DESIGN SERVICES

The granting of the variance will allow the building to be situated generally where it has been historically situated on this site, and where convenience store buildings are universally located behind the gas canopy and the public street. The location of the building will not adversely affect the public health, safety or welfare.

B. WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY.

The proposed variance will not alter the essential character of the general vicinity because the variance would allow the building to continue to exist where it has historically been located on this site and where the traveling public expects such a building to be located at gasoline station sites universally.

C. WILL NOT CAUSE A HAZARD OR A NUISANCE TO THE PUBLIC.

The requested variance will not cause a hazard or nuisance to the public because the variance would allow the building to be constructed generally at a location that the traveling public anticipates, and at a location where the canopy lighting will be blocked from residents along Southern Parkway by the building.

D. WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS.

The requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the grant of the variance would allow the construction of a building at a location on a gas

station/convenience store site where the traveling public anticipates it will be located, and where it generally has been located historically on this site.

2. Additional consideration:

- B. THE STRICT APPLICATION OF THE PROVISIONS OF THE REGULATION WOULD DEPRIVE THE APPLICANT OF THE REASONABLE USE OF THE LAND OR WOULD CREATE AN UNNECESSARY HARDSHIP.**

The strict application of the provisions of the regulation would deprive the Owner/Applicant of the reasonable use of its land because it would disallow the construction of a new building at a location determined by universal site design principles for gasoline stations.

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VARIANCE REQUEST

A REQUEST FOR A VARIANCE FROM LAND DEVELOPMENT CODE §5.5.1.A.2 TO ALLOW THE BUILDING ON A CORNER LOT TO BE LOCATED FURTHER THAN THAT AT THE RIGHT-OF-WAY LINE, AND TO BE LOCATED 133-FEET FROM THE SOUTH THIRD STREET RIGHT-OF-WAY LINE AND 21-FEET FROM THE SOUTHERN HEIGHTS AVENUE RIGHT-OF-WAY LINE.

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4500, 4506 and 4508 South Third Street

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1. State the reasons that the granting of the variance:

A. WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE.

The granting of the variance will allow the building to be located away from the right-of-way line on both cornering streets. A gas station/convenience store at this location has historically been located away from the right-of-way line. Moreover, gas stations universally are located back away from the right-of-way line in order for the gas canopy to be located between the building and the public street. This location will not adversely affect the public health, safety or welfare.

B. WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY.

The proposed variance will not alter the essential character of the general vicinity because the variance would allow the building to continue to exist where it has historically existed on the site.

C. WILL NOT CAUSE A HAZARD OR A NUISANCE TO THE PUBLIC.

The requested variance will not cause a hazard or nuisance to the public because the variance involves an on-site question of the building location behind the gas canopy, which is the historic location of the building on this site and on gas station sites universally.

D. WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS.

The requested variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the grant of the

variance would allow a building at the rear of this lot, which is its historic location.

2. Additional consideration:

- B. THE STRICT APPLICATION OF THE PROVISIONS OF THE REGULATION WOULD DEPRIVE THE APPLICANT OF THE REASONABLE USE OF THE LAND OR WOULD CREATE AN UNNECESSARY HARDSHIP.**

The strict application of the provisions of the regulation would deprive the Owner/Applicant of the reasonable use of its land because it would disallow the historic design of this site and of gas station/convenience store sites universally.

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