

**VARIANCE JUSTIFICATION**

**SC DEVELOPMENT, LLC  
1201 Dixie Highway, 1772 and 1774 Oak Street  
14ZONE1029**

September 8, 2014

The applicant, SC Development, LLC, ("SC") is proposing to develop the property at the Southeast corner of Dixie Highway and Oak Street with a Dollar General store. The proposed development plan shows the building pulled up to the corner with its entrance, however, on the Southwest corner of the building. Because the entrance is not at the intersection itself and because the intersection creates an obtuse angle on the subject property, SC is seeking a variance to allow the proposed building to be more than 0' from the Dixie Highway right of way.

The variance will not adversely affect the public health, safety or welfare. The variance will allow for the construction of a rectangular building on a site that is not itself rectangular. SC is also proposing a TARC easement within the small triangle created by the division of the right of way line and the West face of the proposed building.

The variance will not alter the essential character of the general vicinity. Near the subject property, there are sites where buildings follow the right of way line, sites where buildings are set back behind parking areas and residential sites with yards along the street. In spite of the mixed designs in the area, the proposed development plan meets the intent of the Traditional Marketplace Form District.

The variance will not cause a hazard or nuisance to the public. The small triangle created by the variance will allow for a better entrance, a TARC stop and a wider sidewalk area, creating an amenity for the public, not a hazard or nuisance.

The variance will not allow an unreasonable circumvention of the requirements of the zoning district regulations. The setback requirements in this form district are designed to create a walkable, urban streetscape. Here, SC has done so but done it in a way that will allow for the development of a rectangular building while also providing an active street-facing design that meets the intent of the regulations.

The variance arises from the obtuse angle of the intersection of Dixie Highway and Oak Street. The intersections non-perpendicular shape does, however, provide the opportunity for a TARC stop that will augment the TARC network in the area.

The strict application of the provisions of the regulation would require the applicant to build to the right of way line, creating an oddly shaped building and eliminating the TARC easement the applicant is providing.

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The circumstances of the variance are the result of the shape of the site at the location of the building entrance where the parking area and right of way meet. SC believes the proposed design will allow for very good access for all of its customers, many of whom come by car.  
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