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**Attachment A**

**1. Explain how the variance will not adversely affect the public health, safety or welfare.**

The area impacted by the variance requested in the rear of the lot will be used to park a mobile dialysis system on occasion. This area will also be used to park a mobile water filtration system should the electricity ever be off for an extended period. Since this area will be used as temporary parking and an occasional unload area for medical supplies there will not be a major impact to the neighbors in the rear. The adjoining land use immediately to the rear is a detention basin and does not have a lot of human activity in the area. The area of the variance request in the front of the lot will be used for passenger car parking of dialysis patients. The front parking lot does not cover the entire lot and there will be green space between the front of the parking lot and the sidewalk. The land use directly across the street is a large multi car parking lot for a multi-family housing complex. There will remain on the east side of the lot a large green area that will be used as a detention basin. This basin will be large and shallow and will provide a significant front yard area.

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

The Front of the lot will have a large green area used as a very shallow detention basin at the east end of the lot. This is the end that abuts the residential development. Across the street from the front yard is a large parking lot for a multi family complex. There will be a green area between the front parking lot and the sidewalk. In the rear the property adjoins a lot used as a detention basin so there is little human activity in the area. There will be a green buffer between the two properties and a natural screening hedge can be planted to further buffer the residential area.

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

The intended use for this property is a dialysis clinic. The number of vehicles entering and leaving the property each day is minor. Cars parked on the front parking lot will not hinder visibility along Gagel Avenue. The limited times a truck will be parked on the rear paved area will be 2 or 3 times a week. This limited use should not prevent the area of the rear variance from creating any nuisance for the adjoiners. The low traffic volume for the "last" commercial activity on the street is another way to transition down to a quieter area. The clientele coming to this dialysis center are likely to be least rowdy and boisterous than other establishments that could be placed here.

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

The intent of the transitional yard is to transition into a residential setting. The goals of the regulations are to prevent a concrete jungle and heavy traffic flow next to someone's yard where their kids may be playing. In this situation the site design is such that a large very shallow detention basin exists on the east end of the lot. This is the end of the lot that abuts the residential zone. The

detention basin along with a natural drain (wet weather stream) creates an ideal buffer. This particular site does have considerable green space, and we have not created an unusually high number of parking spaces.

*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).**

When this lot was created, access from Gagel Avenue was limited to a single access point that has to be shared with the adjoining lot to the west. This restriction required the driving lane around the building be large enough for the Mobile Treatment Vehicles, Emergency Water Treatment Vehicle, and the occasional Medical Supply delivery vehicle to circumnavigate the building. These vehicles are necessary for the life saving dialysis treatment. Since all of these vehicles are tractor and trailer setups an extended driving lane in the front and rear of the property is necessary. With this extended driving lane, parking must be placed in the front transitional yard. And the turning radii require the rear drive to "circle" the building wide enough to encroach upon the rear transitional yard.

- 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.**

Without the Emergency Water Filtration Truck the clinic could not operate in times of power outages. The clinics patients cannot wait for the power to come back on. They have to have the treatment on schedule. A strict application of the transitional yard would make this lot unusable for the dialysis clinic.

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

The regulation was adopted prior to the purchase of this site. However, this site design meets the setback requirements of the Suburban Marketplace Corridor form district barring the transitional zone classification.

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