

VARIANCE JUSTIFICATION STATEMENT

LDG Development, LLC

708-730 E. Gray St.

The proposed variances, which will permit the applicant to exceed the maximum 45 foot building height by ten feet (for a total building height of 55 feet), and to encroach into the required front and rear setbacks, will not adversely affect the public health, safety or welfare. The applicant proposes to develop the subject properties located at 708-730 E. Gray St. currently used as a parking lot as the second tract of a two-tract development at Gray and Clay Streets. The first tract, located across Gray St. from the subject properties at 709 E. Gray St. and 616-634 S. Shelby St., had identical variances to exceed the maximum 45 foot building height by ten feet (for a total building height of 55 feet), and to encroach into the required setbacks on all sides, approved in Case No. 18ZONE1052. The applicant proposes to develop the two tracts of the proposed development into two four-story apartment buildings, with an underground parking garage with 304 spaces for residents of both buildings located under the first tract and 52 on-street spaces. The four-story building on the subject properties will have 94 dwelling units. The ten 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 45 feet. The reason for the height variance is to allow the applicant to provide higher ceilings within the dwelling units. The front and rear yard encroachments will allow the applicant to bring the proposed apartment building all the way out to the existing sidewalk and provide additional open space, as is consistent with the goals and objectives of the Comprehensive Plan for the Traditional Marketplace Corridor Form District. Adequate parking will be provided by the proposed underground parking garage on the first tract of the proposed development.

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 ten feet. A three-story commercial/industrial building currently sits directly across Gray Street from the subject properties (which will be developed into a four-story apartment building as part of tract one of the applicant's proposed development). There are numerous three-story commercial uses along nearby Broadway. Large multi-family developments can be found just to the north in the Nulu neighborhood, including the four-story 310@Nulu Apartments at Hancock and Jefferson Streets and the seven-story apartment building at Main & Clay Streets. 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 three-story building across the street, and no nearby residential uses will be impacted. The entire block containing the subject properties is zoned C-2, as is the south half of the block across Gray

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St. that will be part of the same four-story development. Adequate parking will be provided by the proposed underground parking garage on the first tract of the proposed development. The variance from the front and rear yard setbacks 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 94 high-quality dwelling units to the area in a building that is of similar height to nearby buildings and of similar or smaller size to other multi-family structures in the area. The variances will also allow the applicant to build the apartment building out to the sidewalk consistent with the current use and the goals and objectives of the Comprehensive Plan, as well as the prior approved variances in 18ZONE1052.

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 ten separate tracts that comprise almost the entire street-front along Gray St. between Clay and Shelby Streets, and half of a city block across Gray St. into two four-story apartment buildings. The project will have a total of 344 dwelling units, 94 of which will be in the building on the subject properties. The proposal requires a variance of only ten feet from the maximum building height and encroachment into the required front and side yard consistent with the current use.

The strict application of the regulations would create an unnecessary hardship because the applicant is requesting only a ten foot variance from the maximum building height and a front and back 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 and would be inconsistent with the prior approved variances in 18ZONE1052.

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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