

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

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

The variances will not have adverse affects since they will allow the two buildings (3&4) to be located at the top of an existing bank with a 50% slope. This slope has mature trees to be preserved on the 7th St. side and a grassy slope that will be heavily treed and landscaped on the Davies Ave. side.

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

The variances will allow buildings 3&4 to be located on the flatter land at the same general elevation as the existing warehouses and homes on Mix and Davies Ave. The increased setback would allow the buildings to be in the more unobtrusive area, preserving the residential character to the east.

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

In contrast to most of the 7th St. corridor, the variances will preserve an existing area of substantial trees and potential landscape not typical of this enterprise zone. The variances won't cause a hazard or a nuisance to the public, but would allow mature trees along 7th St. & Davies Ave. to remain.

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

The variances are necessitated by the Traditional Form District regulations, which are suited for pedestrian-friendly development and inviting streetscapes. While this site will provide sidewalks, street trees and landscape, there are site specific issues due to the railroad bridge and underpass.

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).

As mentioned above, the railroad bridge and 7th St. underpass presents challenges to building to the street. There are massive retaining walls across 7th St. and to the south- not pedestrian-friendly. This vacant site was graded with slopes that are wooded or grassed, which deserves preservation.

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.

The strict application of the regulation would require the applicant to build over 400 feet of mostly a 20-foot high retaining wall that would deprive the applicant of reasonable use of the land. The cost would exceed \$400,000 with the end result being downright ugly, creating an unnecessary hardship.

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 applicant is requesting these variances prior to any action taken, including site disturbance or construction.

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