

VARIANCE JUSTIFICATION STATEMENT

Matt Ellis & Daughters, LLC

718-722 E. Chestnut St.

The proposed variance, which will permit the applicant to exceed by 12.5' the 32.5' maximum infill building height requirements in LDC 5.1.12.A.2.d, will not adversely affect the public health, safety or welfare. The applicant proposes to develop the subject property into a three-story indoor self-storage facility. The variance from the maximum infill building height will allow the applicant to construct a 45' three-story structure with a freight elevator shaft that will service the second and third stories of the proposed facility. A 45' structure is permitted in the Traditional Neighborhood Form District and the proposed C-2 zone, but the variance is necessary due to the infill height requirements. This variance will have no impact on public health, safety, for welfare.

The variance will not alter the essential character of the general vicinity as the proposal is for a 45' three-story building that is permitted in the Traditional Neighborhood Form District and the proposed C-2 zone. There are numerous commercial uses in the area that are three stories or more in height, including the current structure across Springer Alley from the subject properties. The variance will permit the applicant to construct a 45' three-story structure with a freight elevator servicing the second and third stories of the proposed neighborhood-serving storage use, the development of which is consistent with the goals and objectives of the Comprehensive Plan for the Traditional Neighborhood Form District.

The variance 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, many of which are commercial uses.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will allow the applicant to provide a neighborhood-serving storage use that is consistent with the 45' maximum building height permitted in the property's Traditional Neighborhood Form District, proposed C-2 zoning, and other structures in the area.

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 three separate tracts into a three-story storage facility with drive in access on the ground floor and a freight elevator serving the second and third floors. The proposed structure is within the maximum height requirements of the Traditional Neighborhood Form District, proposed C-2 zoning, and other structures in the area, but a variance is necessary due to the application of the infill requirements in LDC 5.1.12.A.2.d.

The strict application of the regulations would create an unnecessary hardship because the applicant is requesting a variance from the maximum building height due to the inappropriate application of the infill requirements in LDC 5.1.12.A.2.d and otherwise complies with the 45' maximum building height permitted in the property's Traditional Neighborhood Form District

and proposed C-2 zoning. Strict application of the regulations would force the applicant to reduce the size of the proposed development.

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.