

## **Variance Justification Statement**

### **2800 Breckenridge Lane – Medical Office Building**

#### **Height and setback variances**

The proposed variances, exceeding the maximum 30' height, 80' front yard setback and accessory structure encroachments into the 50' non-residential to residential setback, will allow the construction of a five-story medical office building that will serve the residents of the area and be placed in a similar location on the existing lots as the present hotel structure. The variances will not adversely affect the health, safety and welfare by allowing the building to exceed the maximum setback from Deebet Drive and place the five story structure in a closer location to the intersection of I-264 and Breckenridge Lane. Placement of the structure near the interstate and major arterial minimizes any impacts on residents further to the west and south.

The variances will not alter the essential character of the general vicinity as the proposed setbacks and height will allow the development to maintain a similar location near I-264 as the existing structure while reducing the overall footprint on the site. It follows a similar pattern of multi-story structures at the northeast and northwest corners of I-264 and Breckenridge Lane. The Kaden Towers building in the area far exceeds five stories in height while several other office and medical buildings exceed the 30' maximum height directed by the Land Development Code. The other non-residential uses within the area have setbacks exceeding the 80' maximum following a pattern similar to our subject property with placement near the intersection of the interstate and major arterial. The accessory structures will be located in an area of pavement and utilities.

The variance will not cause a hazard or nuisance to the public since the setback pattern will allow the proposed structure to be placed in closer proximity to I-264. The extended setback will reduce the footprint of the building on the property and place sight lines for the structure at the intersection of I-264 and Breckenridge Lane similar to other multi-story buildings along the interstate and major arterial intersection. The accessory structure location will allow for use of an existing pavement area to service the building while still allowing room for required separations between the oxygen tanks and other structures. Sufficient space exists to locate appropriate landscaping.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will allow the applicant to exceed the maximum setback, encroach into the setback along the west and exceed the maximum building height for the proposed office building in order to minimize impact to adjacent properties and site with the reduced footprint building in the appropriate location near I-264 and Breckenridge Lane. It utilizes existing pavement area while reducing the overall impervious.

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 the existing hotel property into a

five story medical office building adjacent to Interstate 264. The proposed development requires variances from the maximum setback, western property setback and building height to permit the office building to be constructed on site in a similar location as the existing hotel. It will allow use of the existing vehicular use area while reducing the building footprint.

The strict application of the regulations would create an unnecessary hardship because the applicant is requesting variances from some of the setback requirements and building height to permit the proposed office building to be in a similar location as existing structures on the site. The height variance allows the building footprint on the site to be reduced pulling the focus of the structure towards the intersection of I-264 and Breckenridge Lane. Strict application of the regulations would force the applicant to pull the structure closer to Deebet Drive and within a closer proximity to any nearby residents while also creating a bigger footprint impact to the property.

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.